

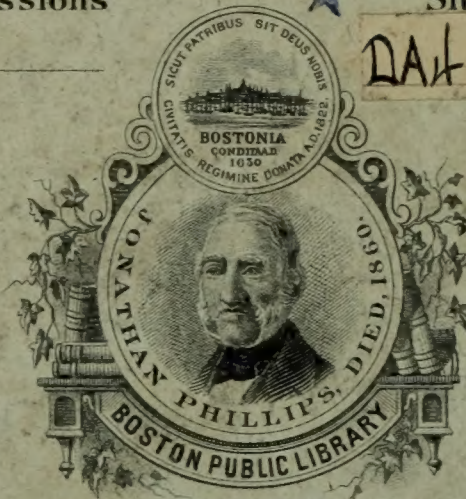
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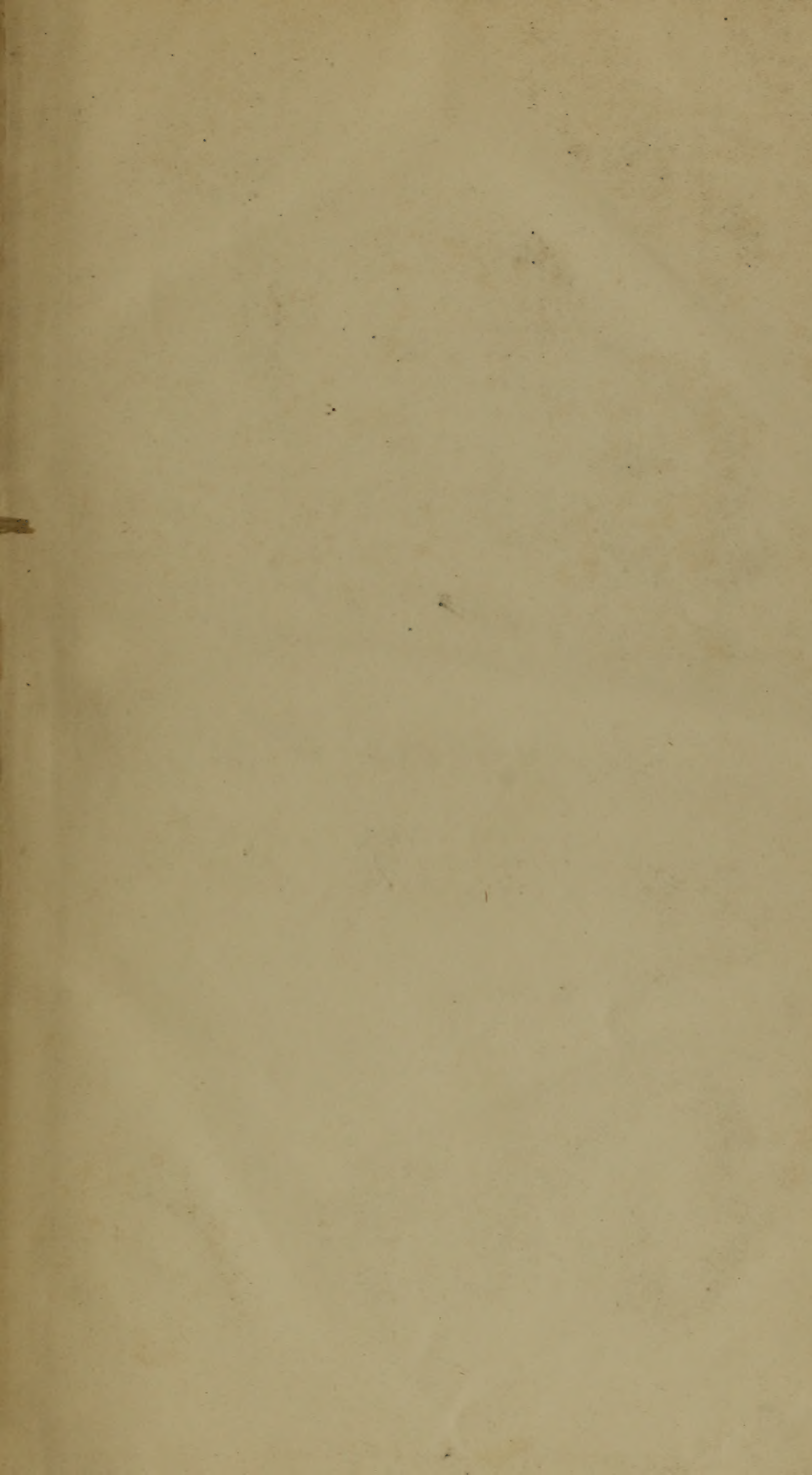
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FROM THE
Phillips Fund.

Added



The Meaning of the Tempest

Thus the tempest's fury, the lightning that did fly;
 The sun in morning clad, and his face
 While the Plebeian stars shone in his place;
 When the night's darkness weather-beaten lay
 On the proud billows of the popular sea;
 Her Rudder lost, her Main-Mast beaten down,
 Her Tackling torn, and Mariners' helms grown
 To the Captain from his Cabin driven away
 In that forever execrable Day,
 (A day concurring as the Day of Dooms,
 When none that know what is, or is to come)
 By storms and flocks of Weather was the land
 Upon the Native, the English Coast:
 Well might he hope for Sanctuary there,
 Where he had heard the Merchant and the Crew;
 Well might he think the Island his own;
 To whom so much Indignation had been shown;
 But the tempest of the furious Cloud,
 (Whom nothing taints but Spoil, and Blood)
 They paid no reverence to their natural Lord,
 None to the great Jehovah did stand;
 But sought to see him hotted overboard,
 And sought they call'd the dismal Wreck they saw,
 And vouch'd their Tyranny an Heav'n's law,
 Monarchs of men! all the low is there
 Turned nothing, but what they did give;
 From that august HOUSE, behind the door
 Of all this Tempest, whence personal power
 Unparalleled, undeterred power
 Blasted our hopes, and hid our land below;
 A land like that of Cimmerian darkness,
 Till by mad Night into Confusion hurl'd,
 It was made the Scorn, and by-word of the World.

A N
Impartial Collection
O F T H E
Great Affairs of State,
From the Beginning of the
SCOTCH REBELLION
In the Year MDCXXXIX.
To the Murther
O F
King CHARLES I.
W H E R E I N
The first Occasions, and the whole Series of the late Troubles
I N
England, Scotland, & Ireland,
Are faithfully Represented.

Taken from Authentick Records, and Methodically Digested,

By JOHN NALSON, LL. D.

V O L. II.

Published by His Majestie's Special Command.

L O N D O N,
Printed for A. Mearne, T. Dring, B. Tooke, T. Sawbridge,
and C. Mearne, MDC LXXXIII.

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TO HIS MOST
Serene and Excellent
MAJESTY,
King Charles, II.

GREAT SIR,

S Your Majesties Gracious Encouragement gave the first Life and Being to this Work, so it naturally in all humble Duty addresses it self, for Protection under the Wing of Your Favour and Royal Mercy, which Your Majesty so justly challenges, as a Virtue more peculiarly Eminent and Conspicuous in your whole Life, then in any of Your Illustrious Predecessors: It is Necessity and not Presumption, which obliges the Author to Prostrate himself and this Book at Your Royal Feet; For though the whole World can shew nothing so Harmless and Innocent as Truth, yet is she not able to defend her self from her constant Enemies, Malice, Error, and ill Designs; nor knows she whither to flie for a secure Refuge, but to the Sanctuary, of the Great Defender of the Faith; to which the nearness of her Relation, raises in her a comfortable hope that she shall participate of the same Royal Protection

A

There

EPISTLE DEDICATORY.

There are some Persons whose Interest it is to lie behind the Curtain even in the present Age, and who therefore cannot with patience bear the drawing of it, so as to let in the light into that which is past; lest by comparing former Occurrences, the Temper, Inclinations, Principles and Movements of those Times, there should be discovered so near a Resemblance between the Lineaments and Proportions of the past and present, as to be too convincing that there is no greater difference then between the elder and the younger Brother of the same Parents, Rebellion and the Good Old Cause. Nor is it strange to see some sort of People very angry with the hand, which presents them with a Glass wherein they may see the Exact and true Image of Rebellion and Sedition, when they can no sooner look into it but they find their own Faces there. But it would be not only a Wonder, but a Miracle, if they should not shew their Resentments against both the Workman and his Work, and by endeavouring to hurt his, to secure their own Reputation.

But Your Majesties Grace and Favour is such an Amulet against the Poyson of the most Malignant Faction, as is able to secure the happy Persons upon whom it is bestowed, from the Infection of the most Malicious Breath, and Venemous Tongues; and in the Hopes of this, the Author does with all humility present Your Majesty with the first opening of the Scene of that Deplorable Tragedy wherein Your Glorious Father had so large a share of Suffering; there Your Majesty may see the several Steps and Progressive Advances which those Artists in Rebellion and Usurpation, made towards the accomplishment of their Great Design of overthrowing the best Monarchy, and

Ex-

EPISTLE DEDICATORY.

Extirpating the most Apostolical Church in the whole World. Here may Your Majesty take a view, of the most supple Flattery, and deep Hypocrisy of a Confederated Faction, and how Rebellion, to make the People in Love with her, was represented to them in the Masquerading Habit and Accoutrements of Religion and Reformation; how Slavery and Tyranny, those two dreadful Monsters, walk'd in the borrowed Equipage of the Liberty of the Subject, and the Fundamental Laws, and Birthrights of the People; and how under the Mantle of Redressing Grievances, the Nation came to labour under the greatest Grievance, that ever the Necks of the Generous English Submitted to, even the Mischief which they pretended to fear, absolute Tyranny, and the most Arbitrary Government of an Usurping Faction.

Here Your Majesty may see the true Picture of the Men of those Principles and Times, drawn from the Life by their own hands; and in their proper and natural Colours; and not only their outward Air, Mine and Garb, but the Picture of their very Souls, their Thoughts, Aims; Contrivances, and most Secret Designs, and the black Conclusion, at which all these were levell'd, over which they so Industiously drew the fair Vails and Curtains, of Sanctimony and pretended Loyalty, seeming Humility, and counterfeit Allegiance: Your Majesty may be conducted into those Mines of Sedition, unreasonable Fears, groundless and unsatisfiable jealousies, of the Dangers of Popery and Arbitrary Government, the very Powder which blew up the Foundations both of Church and State; Your Majesty may see their Principal Engines of Battery, amongst which, the Liberty of the Press, and, I Blush to name it, the Licentious abuse of the

A 2

Pulpit,

Pulpit, were not the least, or did the most Inconsiderable Execution towards the Ruin of the Government.

I shall not presume to say more, but humbly Prostrate my self at Your Majesties Feet, to beg the Liberty to add my most fervent Prayers and Wishes, to my Sincere indeavours of Serving Your Majesty with my utmost Power: May there be an Emulous Strife between the Number, and the Glory, of Your Majesties Years: May the constant Care of Heaven, and the Watchful attendance of its Glorious Militia, still Guard Your beloved Life, against all the Wicked attempts, of the Enemies of Your Person and Government: May every day that is added to Your Sacred Life, contribute fresh Accessions of Happiness and Prosperity, Peace and Tranquility to Your Auspicious Reign; May You Triumph in the Hearts and Affections of Your People, and over the Heads of Your defeated Enemies: And could my Prayers, Wishes or Indeavours prove as Successful as they are Sincere, Your Majesty should not have one Subject in all Your Dominions, less Zealous of Your Majesties Service, sensible of their Duty and Interest, or studious of Expressing their humble Loyalty, then the Person who has placed all his Ambition and Glory, in Indavouring to approve himself,

May it please Your Most Sacred Majesty,

Your Majesties most Humble, most

Obedient, and Intirely Devoted Subject,

NALSON.

The Introduction.

THERE is certainly no manner of Diversion of which Wise and Great Men, who endeavour to be really Serviceable to the true Interest of their Prince and Country, can make more considerable Advantages, or more agreeably spend their Leisure Minutes, then in taking a true Prospect and Exact Survey, of the Transactions and Events of former Times: And of all the Historical Landscapes which have been delineated to the Life, by the Exactest Hands of the most able Masters, those which represent the violent Tempests of State, and the dreadful Shipwrecks of Kingdoms and Governments, afford the most profitable Entertainment; The Glorious days of Peace slide Easily, and without Noise, down the Stream of Time, into the Immense Ocean of Eternity, and leave behind them very few Traces of any thing uncommon or Extraordinary, more then the Remembrance of their happiness, and the Emulous Wishes of Posterity, to see the return of such Golden Ages: But the sullen and lowring Times of Commotions and Disorders, the dreadful Inundations of Popular Fury, the Dismal Events of Civil Rage, Unnatural Rebellions, and unexampled Revolutions, produce such infinite variety of strange Actions and Prodigious Occurrences, as must of necessity bring both the Temptations of Pleasure and Advantage, to entertain the Curious, and to recompence the Industrious.

Time is a Magnificent Structure upon which every Age still builds something higher; and from the lofty Battlements of this growing Pile, every Age has the opportunity of the vast Prospect upon the two Immense Tracts, of past and future; and by comparing the several Events of distant Times, those of the Present are enabled to employ themselves, in a very necessary, comendable and advantageous Curiosity and Research, into the Causes and Effects, the Methods and Movements, the curious Artifices, and cunning Intrigues, the outward Pretensions and the inward Designs, which produced such remarkable Alterations of Humane Affairs, and such wondrous Turns and Changes in Laws, Religion and Government; and from thence not only to make probable and Rational Conjectures of what is past, but to draw prudent, necessary and useful Deductions and Inferences, and to prepare suitable Antidotes, and Precautions, against the like dangerous Distempers of the Body-Politick for the Future; since nothing carries more clear Evidence and Demonstration along with it, then this Aphorisme, which has been justified by a thousand Instances and Precedents of most undeniable Matter of Fact. *That all the Great Changes which have been made in the World by the Violent Methods of Commotions, Seditions, and Rebellion, have ever been managed and Carried on by the Specious and Deluding Pretensions of Liberty of the People, Redress of Grievances, and Reformation*

mation either of the Civil or Religious Frame of Government. And that it is no less certain ; That the same Arts, Principles, and Methods , which have been so Successful in former Ages, to accomplish the most wicked and infamous Enterprizes ; must necessarily lead Men to the same Designs, and naturally, and unavoidably terminate and Centre in the same Ends, unless prevented by the timely Application of Suitable and Effectual Remedies. And since nothing contributes more certainly to the Cure of a Distemper, then the certain knowledg of the Nature and Causes of the Disease, and that no Method can be more accomodate to the gaining that necessary knowledg, then the Understanding of the true Symptoms , and infallible Diagnosticks , which are always the fore-runners of the Indispositions in the Body-Politique , there can be nothing found more conducing to the attaining this necessary and useful Art, then for such Persons whose Birth, Quality , Station, or Ability , must certainly command their Service in the Affairs of their Prince and Country, throughly to Understand the Nature and Circumstances of such Men and Times, Actions and Events, as have formerly been the most considerable of their Age.

There is nothing generally more inviting and agreeable to the very Genius and Inclinations of humane Nature then variety ; and consequently nothing that affords a more satisfactory Pleasure ; insomuch, that not only those gay and splendid Scenes of Peace and Tranquility which have Crowned the Smiling Brows of some happy Ages of the World , but even the more Cloudy and Tempestuous , Turbulent and Tragical Acts , which have had their Turn upon the Stage , present a delightful and pleasing consideration, either that they have had the happiness not to have been then in being when those miserable Revolutions happened, or to such as were , to have survived the fury of the Storm, and the common Shipwrack.

And certainly among all the Famous Revolutions which have happened in the World, no Age or Story is able to parallel those dreadful Overturnings which happened in these Nations of *England , Scotland and Ireland.* Never was any Time stored with stranger Events , or any Events accompanied with Circumstances more Dreadful and Surprising ; Never was any Tragedy Acted more Barbarously , or in less time ; the Raging Flames of Civil Dissention were violently fann'd with the furious Blasts of a Whirlwind of Faction, and to that Extremity, that such incredible things were Acted in so short a space, so many sharp encounters and Bloody Battels, so many places before the Wars pleasant as the Garden of God, turned into perfect Desart and Wilderness, stately Houses into Ruinous heaps ; and in short, the whole Frame of the Government and the Face of Affairs both Civil and Religious, so wholly altered and destroyed, that it seems absolutely necessary to confirm the truth of them, from Unquestionable Monuments, and Authentique Records and Remains of those Persons and Times, lest Posterity should be apt to suspect such incredible Relations , as coming nearer to Fiction and Romance then Reality.

The Seeds of Discontent and Jealousie , which were now ripened into this miserable Harvest of a most Violent Rebellion, had been long Sown and industriously Cultivated between the Prince and the People, by some Zealous pretenders to a Publick Spirit, whose restless industry was continually imployed, to set up the Popular Pretence of Liberty, against the Royal Prerogative, and of Reformation and Piety and Religion, against the Established Order and Government in the Church. This Fiery Spirit

rit began to appear and to be very Turbulent in the days of Queen *Elizabeth*; and so Formidable and Numerous was the Party then grown, that that Princess, who is wont to be Magnified by the present State and Church Dissenters of our time, with such high Elogies and Encomiums, found her self under the absolute necessity of repressing their Insolencies, by the severity of Laws, and the putting the Laws in Execution, as is evident by that Statute of the 35th. of *Eliz.* Enacted, as the words of the Statute Expressly declare, *against Seditious Sectaries, and to retain the Queens Subjects in their due Obedience.* This sharp procedure of the Queens, who now found by Experience that the Crown was beset by two dangerous, though opposite Factions, of *Papists*, and as they were then stiled *Puritans*, did for the Remainder of her Reign Extremely cool the Courage of the Party, and Retard their Designs; for she found by Experience, that their temper was such as was Manageable by Legal Severities, but insolent, daring, and unsatisfiable, by Connivence, Indulgence, and slackning of the Reigns of Government. But this sort of People who are wont to Supply what they want of the Innocence of the Dove by the Subtily of the Serpent; finding the Laws too Powerful to be opposed by open Violence, betook themselves to their usual Crafts and Artifices of working under ground, and Proselyting as many as they could, especially of the Nobility and Gentry, to their Perswasions in Religion and Politicks: and by the Witch-craft of those fair Pretences which they constantly made to austerity of Life; Zeal for the Purity of Religion, the Liberty of the Subject, and especially an Extreme horror and Detestation of *Popery*, to which upon all occasions, both Publick and Private they Insinuated the great inclinableness which the Sovereign Power in the Civil Government, and the Church, by reason of the too near Affinity of the Hierarchy and Liturgy to the *Romish* way, had to be reconciled and reunited to that Church; they Poisoned the minds, not only of the Easy Vulgar, but of many of the Principal Nobility and Gentry; and by misrepresenting all the Occurences of State as having a Bias and Tendency towards *Popery*, and Exalting the Prerogative beyond its Bounds and Limits; they insensibly Stole their Loyal and Dutiful Affections from the Crown, and their warm Zeal and Piety from the Church.

I shall not need to descend to particulars upon this Subject, though I think it a matter of that Importance to the service of the Publick, that is capable of excusing Tautology, and a Theme which will bear Repetition, without being censured as vain; but I shall rather refer the Reader to what is said in the Introduction to the first Volume to this Purpose, lest I might disgust some tender Palates by serving up a Cold *Crambe*, and thereby give my self the disappointment of my chief Design, which is at once to give the Readers pleasure and advantage.

It shall suffice therefore to say, that the same Spirit of Faction, Popularity, Discontent and Ambition still increased during all the Blessed and Peaceable Reign of King *James*; and the Commotions in *Scotland* having given the Faction a clear Discovery and Estimate of their Interest, Strength and Numbers, and of the Weakness of the Government, the Revenue of the Crown being so Disproportionate to the Expences unavoidably necessary to maintain and support the Charge and Dignity of the Government; the Faction laid hold of this opportunity to bring their long Designed and Endeavoured Work, as they termed it, of Reformation, to a Period.

It

It may be remembred how the *Scottish* Rebellion instead of coming to the decision of the Sword, according to the Opinion of the Wise Earl of *Strafford*, had been ended by a Treaty, which was succeeded by the calling of the Fatal Parliament of *November 3, 1640*. The Commons House of this Parliament was composed of such Persons, as had manifested their great aversion to the King and his Government, and who finding the King Extremely pressed by the necessity of his Affairs, and under the uneasie burden of great Debts, contracted both formerly, and by the two Expeditions against the *Scots*, they now Resolved to make a Virtue for their own Affairs of His Majesties Necessity. And most of the Principal and Leading Men of the Faction, knowing their preceding Actions such as rendred them obnoxious to Justice, according to the Observation of the Historian, *Pœnâ & calamitate publicâ sibi impunitatem spondent*; They sought their own private Security, though at the Expence and even Ruine of the Publique Peace.

And certainly, as the succeeding Revolution had been long under Deliberation, the Difficulties which the Faction saw they were to Encounter, in compassing the alteration of Government both Civil and Ecclesiastical, made them extremely cautious in the Management of their Affairs; and their opposition to the Government having made them great Masters in all the Arts of Popularity, and understanding the Temper and Genius of the Times, they proceeded by all the Regular steps of Cunning and Artifice, towards the Accomplishment of their great Design. And therefore before they came to Extremities, they not only fortified themselves, with the Power of a Numerous and Tumultuous Party, but by the most Solemn Professions of Duty and Loyalty, with which all their Petitions and Remonstrances were guilded over, by promises to Establish and Augment the Royal Revenue, and make his Majesty the most Glorious and Potent Prince of *Europe*, they not only deceived many of the Real Friends of the King and Monarchy, but perswaded His Majesty to such Compliances and Concessions, as in conclusion they most wickedly mis-employed to his Ruin and Destruction. Never did any of his Royal Predecessors bestow a favour of such dangerous Latitude upon their Subjects as the Bill for making the Parliament perpetual, by putting it out of his Power to Dissolve them without their own consent; and never did any Subjects stretch such an unprecedented Grace and Liberty more to the Prejudice and utter Ruine of a most Indulgent Prince. And it is easily observable, That after the Faction had got this Flower out of the Crown, they drove on amain towards the great End of their Work, which was as the *Scots* had done before, to new Model the Government of the Church, and by the Democratick Form of Presbytery in the Ecclesiastical, to Level the Way towards the same in the Civil State; for they were now already a *Venetian* Senate, and resolved to clip the Wings of Monarchy to that degree, as to bring down the Sovereignty, into a little kind of Dukedom, or Stat-holders Authority, which they might either manage at their pleasure, or reject at their discretion.

And this Design was no more then what was long before observed to be in the Intentions of the Faction, and too truly predicted by the incomparable Dr. *Laud* Arch-Bishop of *Canterbury*, in a Sermon Preached *Feb. 6th 1625*, at the opening of the Parliament.

Arch-Bishop
Lauds Sermon
upon *Psal. 123*.
v. 3, 4, 5.

And

And one thing more, saith that judicious Prelate, I le be bold to speak out of a like Duty to the Church of England, and the House of David ; They, whoever they be, that would overthrow Sedes Ecclesiæ, the Seats of Ecclesiastical Judgment, will not spare, if ever they get Power, to have a pluck at the Throne of David : And there is not a Man that is for Parity, all fellows in the Church, but he is against Monarchy in the State : And certainly, either he is but half headed to his own Principles, or he can be but half hearted to the House of David. And how exactly he hit the Truth in his Conjecture the Event did most Tragically justify.

But still the Power of the Sword, the Militia of the Nation, hung terribly, as they thought by the single hair of the Kings Authority, over their heads ; and their fears of a future account, if ever their Sovereignty should come to a Period, and the suspicion that this Gordian-knot which they had so strongly woven, though it could be no other way untied, might yet be loosed by *Alexander's* Method, made them extremely Sollicitous, to wrest that Power out of the hands of the King. And to effect this, all those Plots and Contrivances which the Reader will meet with in the ensuing Collections, some of which are manifestly detected to be False, Forged, and Ridiculous, were with the utmost Industry improved and magnified, to run the People headlong into Tumults, Mutinies and Rebellion : There was the Plot of the Army against the Parliament ; the Plot against *Pym* by sending him an infected Plaister in a Letter, the Plot in *Scotland* against *Hamilton* and *Arguile*, which was to beget another of the same Nature in *England* ; Beal the Taylor's Plot of 104 Men, who for 40 s. apiece for the Commons, and 10 l. for Lords, were to kill just so many of the Lords and Commons to a Man ; there was the Plot discovered in a Letter to Mr. *Bridgman* ; information of *French*, *Spanish*, and *Danish* Plots, besides the great Plot of the Papists and Bishops to bring in Popery, and the King and his Evil Councillors, to destroy Priviledges and Parliaments, and to fire the City, and cut the Throats of the Citizens.

Now all these Plots Centred in this one Point, that the Kingdom being in such extreme Danger, not only from Foreign Enemies, but Domestique, the People could have no manner of Security for their Lives, Liberties, Estates or Religion, unless the King would trust the Parliament with the Power of the Sword, the Militia of the Kingdom, the Navy, Forts, Garrisons, Castles, Magazines and Stores, and more especially the Tower of *London*, and the Towns of *Portsmouth* and *Kingston* upon *Hull* ; that so by their Order and Appointment such Persons as His Majesty thought fit to bestow those Trusts upon might be displaced, and such as the Parliament could confide in, the Creatures of the Faction, might have those important Trusts and Charges conferred upon them.

Whilst the People, continually amused and alarm'd with these apprehensions of Danger, which the Faction perswaded them threatned them from every quarter of the Heavens, were blown up into an Universal Ferment of desperate Fears and incurable Jealousies ; the Horrid Rebellion in *Ireland* broke out, which gave such Countenance and Colour to all the former, though never so fictitious Rumors of Plots and Conspiracies, that the Nation was all in a Flame, and under the most dreadful Apprehensions, that the very same Design was laid for the Ruin and Destruction of *England*, which gave the Faction all the Confidence

and opportunity they could have wished or desired, to seize upon the Militia by force, which they could not by persuasions obtain from the King, who now evidently saw, where all their fine Pretensions to Loyalty and Duty would most certainly Terminate. And so resolutely were they bent upon this Usurpation, that they permitted the Rebellion in *Ireland*, for want of timely Supplies of Men and Money to suppress it, to grow to that formidable height, as to put *England* to the vast Expence of Blood and Treasure, which it did afterwards by the neglecting to extinguish this fire upon its first Eruption.

Nor was this the only Use which the Faction in the Two Houses in *England* made of this Rebellion in *Ireland*. For when afterwards they came to break out into a Rebellion themselves, certainly not less horrible and detestable, since they pretended to be acted by a Religion which hitherto had decried Popery upon the very score of allowing Principles of Rebellion, deposing and murdering Lawful Princes, the Parliament in their Papers, Answers and Declarations, secretly reflected upon the King; and by their impudent Agents and Emissaries, and the allowed Scriblers and News-Printers, the very Pests of the Age, openly published, that the Rebellion in *Ireland* began by his knowledge and connivance, and by that means they laid all those Massacres and Murders which were there most barbarously committed, at His Majesties door, and by heightning the Infamous actions of the Rebels there, with the most aggravating Circumstances of Inhumanity and Cruelty, whilst they secretly insinuated the King to be concerned in them, they certainly robbed him of the Hearts and Hands, the Allegiance and Affections of his Subjects.

I cannot therefore but esteem it a Duty which common humanity challenges from all mankind, to endeavour the vindication of the injured and oppressed; but I look upon my self as under the severest Obligations of Christianity, Conscience, Truth and Justice, to clear the Reputation of this Royal Sufferer, from the horrible Detractions, Slanders, and Calumnies, with which those brutish Rebels did not only blemish his Life and Actions, but have most barbarously persecuted his Innocent Memory, endeavouring therefore to make him appear Criminal, that their hands which were died in his Sacred Blood might appear less Guilty. And I shall esteem it a very singular Honor, and the greatest Glory of my life, that Providence has given me the opportunity to be in some measure Instrumental toward the fulfilling of that prophetick Passage in his incomparable Book, where he hath these words concerning the Jealousies raised, and Scandals cast upon him by his Enemies.

For Mine Honour, I am well assured, that as Mine Innocency is clear before God in point of any Calumnies they Object; so My Reputation shall like the Sun (after Owles and Bats have had their freedom in the Night and darker times) rise, and recover it self to such a Degree of Splendor, as those Feral Birds shall be grieved to behold, and unable to bear; for never were any Princes more Glorious then those whom God hath suffered to be tried in the Fornace of Afflictions by their injurious Subjects.

I am very sensible, that in pursuing the Historical Account of the *Irish* Rebellion, I shall have the management of a very difficult Province, there being a sort of People, who think there can be no Hyperbolies in aggravating the blackness of the *Irish* Rebellion, though at the same

same time they think every little reflection too hard and sharp, that touches upon the *English* Rebellion. And if a Writer cannot develt himself not only of the Humanity of a just and generous Heathen, but of the Charity of a good Christian, he shall be pursued with the odious Reproaches of a Favourer of Popery; and therefore I must avow my Resolution to be honestly to follow the Conduct of Truth, without the least declining on any hand to the best of my Understanding and Information; and in order to that Procedure, though I think, and upon all occasions shall endeavour to make it appear, that the Rebellion of the *Irish* was a most Horrid and Treasonable Defection from their Duty and Loyalty, and carried on with most barbarous and unexampled Cruelty; yet I shall not exactly follow the steps of some other Pens, who have undertaken to give an account of the Transaction of the Affairs of that time; since to me it is evident that they have not dealt fairly, neither with the King nor Loyal Party, nor indeed with Truth herself; but have concealed some things and palliated others, which in Justice they ought not to have done; and whatever opinion others may have of such half-faced Historians, I cannot conceive but that even the Cause of Protestancy which these Persons pretend so much to Patronize, does extremely suffer by their manifest Partiality.

There is not any one particular which hath been Exaggerated with more vehemence then the Cruelty of the Rebels, by Sir *John Temple*, Dr. *Borlase*, and others; and doubtless their Cruelty was strange and barbarous; but then on the other side there is not the least mention of any Cruelty exercised upon the *Irish*, or of the hard measure they received from some of the Board in *Ireland*, who were of the Parliamentary Faction, and *Scottish* Religion, which rendred them desperate, and made the Rebellion Universal; they take no notice of the Severities of the Provost Martials, nor of the Barbarism of the Soldiers to the *Irish*, which was such, that I have heard a Relation of my own, who was a Captain in that Service, Relate, that no manner of Compassion or Discrimination was shewed either to Age or Sex, but that the little Children were promiscuously Sufferers with the Guilty, and that if any who had some grains of Compassion reprehended the Soldiers for this unchristian Inhumanity, they would scoffingly reply, *Why? Nits will be Lice*, and so would dispatch them: And certainly as to acknowledge an undeniable Truth, does in no manner Excuse the barbarous Cruelty of the Rebels; so to deny or smother Matters of Fact, so easily to be proved, even by many Protestants still alive, has given the Papists the advantage to bring into Question, especially in Foreign Courts and Countries, the truth of all those inhumane Cruelties which are charged upon them by such Writers as are found Guilty of such manifest Partiality.

It is most evident that the Lords Justices, *Parsons* and *Borlase*, did by their Authority Command many things, which did not only Exasperate but render the *Irish* Desperate; as will appear by several of their own Letters, and publick Acts of State; and that in the first Eruption of the Rebellion, they had a greater Eye to the Forfeitures of the Rebels Estates, then to use such means as might by the hopes of Pardon induce the better sort of the Nobility, Gentry, and Freeholders to hear Reason, and to come in and submit themselves to His Majesties mercy, though they had expresse direction from the King and the Two Houses so to do; and it is no less notorious, that Sir *John Temple* in

writing his History was bound by Confederacy to assert the proceedings of the then Lords Justices : and I cannot find him high in Reputation with the prevailing Usurpers of the Parliamentary Faction, and by them impowered as a Commissioner to impose upon the Protestant Subjects of *Ireland*, that Traiterous, Disloyal and Detestable Solemn League and Covenant, which was a direct Oath of Confederacy, not only against, but purposely to Ruin and Destroy the King, the Church, and the Loyal Party ; I cannot observe his Book to be Printed in *London* by publick Allowance in the Year 1646, at a time when no Books were licensed but such as made Court to the prevailing Faction of the Usurpers, or which might be helpful to support their Calumnies against His Majesty, especially as to the *Irish* Rebellion ; I cannot find him decrying the Cessation of 1643 without too just a suspicion of his Integrity, and that his Bias was too strong to that Party, to which he was a Confederate, to expect from him an account of those Affairs, without the apparent Guilt of prejudice and partiality.

The late Earl of *Orrery* cannot escape the like suspicion with any Person, that considers him Exercising the Talent of his Eloquence, in perswading the notorious Rebel *Cromwel* to Establish his Usurpation, by fixing the Royal Diadem, the Imperial Crown of these Realms upon his infamous Head ; nor is it possible to look upon him as an impartial Writer, who in the blackest of times, rendred himself by his Services to the Usurper so notoriously Conspicuous to the Three Kingdoms ; being, during that gloomy Scene of our Gracious Sovereign's Banishment, Lord President of *Munster* in *Ireland*, President of the Council of *Scotland*, and in *England* a Lord of the other House in one of the Usurpers mock-Parliaments ; and to instance in another of his Titles, tho' not so illustrious, he was Agent for the Fanatiques Established by *Cromwel* in the Estates of the *Irish*, who, repenting of their folly, had served His Majesty against the *English* Rebels, at that time when he writ that Treatise which is so warmly answered by *Peter Walch*.

As for Dr. *Borlase*, besides the nearness of his Relation to one of the Lords Justices, and his being openly and avowedly a favourer of the Faction, and the Men and Actions of those times ; he is an Author of such strange inconsistency, that his Book is rather a Paradox than a History ; and it must needs be so, for, I know not by what accident, the Copy of a Manuscript, written by the Right Honorable the late Earl of *Clarendon*, happening to fall into his hands, he has very unartfully blended it with his own rough and unpolished heap of Matter ; so that his Book looks like a curious Imbroidery sowed with coarse thread upon a piece of Sackwebb : And truly had he no other Crime but that of a Plagiary, it is such a sort of Theft to steal the Child of anothers Brain, that may very well render him suspected not to be overstockt with Honesty and Justice, so necessary to the Reputation of an unblemished Historian ; but it is far more unpardonable, to castrate the Lawful Issue of another Man's Pen, and thereby disable it from propagating Truth, and to teach it to speak a Language which the Parent never intended : And yet this is the exact Case of Dr. *Borlase's* History, in which he has taken great Pains, to expunge some, and alter many Passages, which he thought were too poignant against his Favourites, or spoke too much in Vindication of his late Majesty, and his Ministers, as in divers particulars hereafter the Reader will observe.

The World is threatned with a History from another hand, which when ever it comes, will lie under the same disadvantages with these former Authors; and if it may be prejudged by a Specimen already made Publick, it will not be very fortunate in the World, nor fail of being Sifted and Exposed, if it does deserve it, by straying from the Road of Truth, and leading the World into the Crooked Meanders of Erroneous Partiality.

And now having given an account how sensible I am of the mistakes and failings of those who have travailed before me in these *Irish* Transactions; I am to acquaint the Reader that my Intention is to Winnow the truth out of their Writings, but not to follow them further then good Authority concurring with them shall incourage me; and that I have no intention to disclaim any thing in them, but such things, as are either mistaken or misrepresented in matter of Fact, or Written with the strong bent of Partiality, purposely, to support the Infamous Detractions and Calumnies, of the late times of Rebellion, which were thrown upon the King, and his Royal Adherents and faithful Ministers: Nor would I have the *Papists* think they have found in me an Advocate for their Cruelties and Rebellion, since I do assure them I do utterly detest and abhor Rebellion and Cruelty in all Persons and Perswasions whatsoever; and that, though I intend not to do them the favour to make their Actions better then they are, by doing as others have done, in endeavouring to make them worse, they may be assured I will represent them as they were; and that will be too black, without any thing added more then truth, to tempt any Persons to sully their own Reputation, by Excusing, much less Endeavouring to justifie such Horrid Actions.

It is not impossible but the Reader may be a little surprized with the Expectation, since I decline the Common Paths of these Authors, what Star I shall find to Steer by in this dangerous and Tempestuous Ocean: And truly I must confess, I should have laboured under very great difficulties and much uncertainty in these *Irish* Affairs; but that the truly Great and Noble Prince *James* Duke of *Ormond*, whom I must never mention but with that respect and veneration which he justly challenges from the whole World that have the honour to know him; has been pleased out of his great Generosity, to afford his assistance, to the carrying on of this difficult Work. And I hope it will add not a little to the Reputation of this History, that it has the honour to be obliged to his Grace; whose Part in the Chief Management of the Troublesom Affairs of that Miserable Nation, as it must of necessity therefore render them intimately known unto him, so the Great Character of unspotted Loyalty, and Honour, which is so undeniably his Graces due, will supersede all manner of dispute of the Integrity of the Relation.

But if there should be found some bold Infidels, as there have been some who have questioned the truth of the most indisputable things, who will make any scruple of either the *English* or *Irish* matters herein related, they shall have the assurance of such unquestionable Authorities, as shall be sufficient to give ample satisfaction, to those who are not absolutely resolved to disbelieve even the Testimony of their own Senses.

I know I shall in the short Progression which this Volume makes in point of time, very much disappoint the Expectation of divers Persons, who possibly will think to receive a finished Piece; but truly when

when they consider that I my self am not only a Sharer, but the greatest Sufferer by this disappointment, and that I am still Condemned to a task, which whoever will make a Tryal of one of the like nature, shall not find very easy, I am not out of hopes but I shall deserve their Pardon, rather than any Resentment; and if they be such as will give this Book the Reading, I hope it will make its own Apology; and if they be not such, an Apology is needless.

I have little more to add, to detain the Reader from looking into the Book, but to make good my own Profession which I will constantly abide by, to be ready to throw the first Stone my self, at whatever is an Adulteration of Truth and History; and truly I am too sensible of the tenderness of my own, not to consult the Reputation of others; and must declare my self a professed Votary of that Golden Rule of *Quod tibi fieri non vis, alteri ne feceris*. I must therefore endeavour a Reparation to a Gentleman to whom a Passage in the first Volume of these Collections hath been Injurious, and think my self bound in Honour, Conscience, and Justice, to do whatever I can, to deliver him from the injury, by making the Acknowledgement and Retractation as publick as the mistake. And truly looking upon the Accident in his Family, as that which I should esteem one of the greatest misfortunes in my own; I am resolved to do him all the Right I can, by taking off the Misrepresentation, which seems to have added misery to the Afflicted, a cruelty, at which as my Inclination naturally recoiles, so I hope I shall never have the wilful Guilt of it charged upon me.

The matter is this, Pag. 496. of the first Volume, there is a Speech of Sir John Hollands, to which this Marginal Note is added, *viz. This Gentlemans Lady was a Roman Catholick, and his Daughters by his own consent, and Covenant of Marriage, were Educated in the Romish Religion, and disposed into Nunneries beyond the Seas, as 'tis confidently reported in his own Country.*

I will not draw an Apology from the Confidence of the Report, or the Credit of the Reporters, but acknowledge ingenuously, that in so tender a Point, I ought to have acted with more Caution and upon greater Assurance; but the truth and foundation of the Report, as I have it from Sir John Holland himself, was thus in short; That his eldest Daughter having been tampered with, and dissettled in her Religion, by some of the *Romish Priests*, notwithstanding all the Authority and Arguments of a Parent, added to the powerful perswasions of the Right Reverend Dr. Morley, now Bishop of *Winchester*; she remained obstinately resolved, to Embrace the *Romish Religion*: and finding little Countenance from her Father, taking the opportunity of his absence from *London*, in discontent, and to gain the Liberty of her Conscience as she pretended, she made her escape into *Flanders*, and without the consent or Privy of any of her Relations, and to their great Affliction, she became professed in the Nunnery at *Bruges*. And as this was a great misfortune in it self, so I esteem it one, to have been accessary to make it greater, which still I must aver to have been purely by accident and without the least mixture of Malice, or knowledg of the contrary, Sir John Holland being at that time, and still a perfect stranger to me, and falling under no other consideration with me, then other Persons of that time, concerned in the Publick Affairs: however to do him and truth all the Justice I can, I will give Order that this Marginal Note shall be Expunged, in any future Impression of the Book, and shall hereafter
make

make this advantage by this accident, to be cautious not to publish any thing but upon very sufficient Authority, and to disvalue Reports how confident soever, that have not a certain Foundation of undoubted reality to justify and support them.

Sir *John Holland* makes some Exceptions to the Speech it self, as not exactly agreeing with the Original Spoken by him, and for my own particular, I do not conceive my self under any Obligation to vindicate the honesty of the Collector and Publisher of those Speeches; it suffices to my Justification that I find those Speeches, Printed and Published without Comptrol, Animadversion, or any mark of Displeasure or Fiction then put upon them by those whose Interest it was, and who had Power enough to have done it: And whether ever such were spoken, the suffering them to appear in print, and to be dispersed throughout the Nation, was of as ill Influence to the Publique, as if they had been real; and yet I am not without good Authority, that divers of those Speeches were the true Children of those Parents, at whose Doors they were laid, several of them being entred in Reports of Conferences, upon the Lords Journal.

But still I must do right, where I am satisfied that it was an Artifice of the Faction to delude the People by such Speeches, Printed under the passable Authority of Considerable Names, and if either Sir *John Holland*, or any other Person can by fair Authority convince me that they were in this Nature imposed upon, I shall not decline doing him or them the Justice I ought to do, of an Impartial Collector, who has no manner of Animosity against Persons, but the Actions of the late times; and thinks himself under an indispensible Duty to his Prince, Country, and Conscience, to the utmost of his Power to detect and expose the Artifices and Methods, which occasioned those dreadful and detestable Revolutions, and the intire Subversion of the whole Frame of the Government both Civil and Ecclesiastical; among which, these Printed Speeches, whether spoken or not, had not the least share in deluding and animating the People to the following Rebellion.

An Instance of the wicked Licentiousness of those Times, in slurring of Speeches sometimes upon worthy Gentlemen, as I have from good Authority, may be seen by the Speech fathered upon Sir *Edward Hales*, a Gentleman, whose known Loyalty made him a very great Sufferer in the times when the Tyranny and Arbitrary Government of the Faction of the Two Houses of Parliament bore all the sway; which was thus, One *Talboy* a busie prating News-monger, being desirous to Exchange a Speech he had pick't up, for another which he wanted, he went to a Scrivener at *Temple-Bar*, who then Traded in such things, who refusing a Speech without a Name to make it Currant Coin, *Talboy* stamp'd on it that of Sir *Edward Hales*, and for a while it passed as his; but notice being taken of it, Sir *Edward Hales* consulted his Friends, Members of the then House of Commons, to advise what was fit for him to do, towards vindicating his Honor from the Scandal which *Talboy* had put upon him; but Sir *Norton Knatchbull*, who is yet alive to attest this, and the rest of his Friends were of Opinion, that considering the despicable Credit of the Fellow, and the improbability of the Aspersion, so inconsistent with the known Integrity and Loyalty of Sir *Edward Hales*, it was more advisable to take no notice of the Imposture, then to make the Speech more publick by the punishment of the Impostor: by which means *Talboy* escaped the lash, and the Speech got under that Name

Name into the Press, and out of that into the World.

There are some other Marginal Notes in the first Volume concerning the Members of the Convocation, which by misinformation are mistakes, but they are only such as can do no hurt, being only the attributing some honours to some Names which they never enjoyed. But I am of the opinion that St. *Augustine* never writ any thing that more became him than his Retractions, and I hope the Ingenuous Readers, will from my willingness to acknowledge the smallest mistakes, do me the honour to believe that I do above all things study sincerity, and that I will not in any thing, to the best of my understanding, impose Falshood for Truth upon the World, or be guilty of misleading Posterity into Errors, whilst I pretend to gratifie them with the most authentick and undisguised account of the Publick Transactions of those Things and Times, with which I entertain them.

I have but one word more to add ; I am sensible that I have already fallen under the displeasure of some Persons, who having been Eminent Actors in the late Times against the King and the Government, and are yet Survivers and living Monuments of their own Guilt, and the unexampled Clemency of their most Gracious Sovereign ; are extremely uneasie at the account that is here given of those Times : For my particular, I must disavow my having any Personal Animosity, but truly those who find themselves offended by any matters in these Collections, which are unjustifiable or disreputable to the Authors and Actors of them, if they be such as have sincerely Repented of those past Errors and Actions, will be so far from being displeased to see them Exposed and Condemned, that they will be ready to do it themselves, thereby to make some compensation for the former Ills they have been accessory to ; and if they have not yet by a thorough Penitence Attoned Heaven, and procured an Act of Oblivion there, as well as the Clemency of his Majesty has given them one here, it is high time for them to go about it ; and it is a piece of Charity to put them in mind of it, as this History does, for which I should rather expect their thanks, than their anger and displeasure ; and I am sure if they consult their future Interest, and the little time they can hope to have still left for the performance of so great a Work, there can be no Service so advantageous in Reason, how unwelcom soever it may be to Passion and Prejudice, as that of a faithful Monitor, who gives them warning to escape the greatest of all Miseries and Dangers.





Ant. Van Dyck pinxit.

R. White sculpsit.

THOMAS EARLE
 Viscount Wentworth Baron
 of Newmarch, Oversley, &
 and Generall Governor of the
 President of y^e Council established
 L^{ie} Lieutenants of y^e County & City of
 Privy Councell, and Knight of y^e



OF STRAFFORDE
 Wentworth of Wentworth, Wood
 Babyl^e L^{ie} Lieutenants Generall,
 Kingdome of Ireland; and L^{ie}
 in y^e North parts of England
 York & one of his Ma^{ty} most Hon^{ble}
 most Noble order of y^e Garter.

Printed for A. Mearne T. Dring B. Took T. Sawbridge and C. Mearne

AN
 Impartial Collection
 OF ALL THE
 MEMORABLE EVENTS
 FROM
 The *Scotch* Rebellion, to the KING's Murther.

Volume II.

The History of the Earl of STRAFFORD.



ALTHOUGH many Ages and Histories afford us great Variety of Examples, to convince us of the instability of Humane Affairs, and that no persons have a more dangerous Station than such Great Ministers of State and Royal Favourites, as are mounted to the Lofty Pinnacles of Honour; Yet I think our Country has not produced any Instance, of the Treachery of Fortune, so signally remarkable, as this of the Noble Earl of *Strafford*; a Person in whose Character Every thing conspired that could make a Subject Great. And certainly had he lived in any other Age than that wherein the Turbulent Whirlwind of Rebellion and Disloyalty, threw down all before it, his Great Wisdom, Learning, Courage and Loyalty would have rendred him one of the greatest Lives, that ever adorned the *English* Chronicles, as well as one of the Wisest Statesmen and Ablest Ministers, that ever supported the *British* Throne; and how great an Interest he had in that Weighty Employment, both the Envy of his, and the Enemies of the Royal Seat, and the Miserable Fall of that Illustrious Empire of which he was so main a Pillar, will abundantly manifest: and indeed they who will pull down the Throne of *Solomon*, alwayes first endeavour to remove and destroy the Lions that support it.

This Great and Illustrious Man was descended of an Honourable and Ancient Family, born to an Estate sufficient to maintain his Quality in the Rank of Reputation which he held in the World; but he was also born with a Mind so Great and Generous, and a Genius so Elevated above the Lower Orb wherein he moved, as could not suffer him to continue long in that safe Obscurity of a private Gentleman.

King *James* dying, left his Son a Discontented State and an Empty Treasury, two Misfortunes, then which, no Prince can well be supposed

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to have greater ; Necessitous Princes having ever been forced to part with a great measure of their Prerogative, to inable them to keep and support the remainder : and King *Charles* the First coming to the Crown, found it stuck with Thorns instead of many of those Jewels which had adorned the Temples of his Royal Predecessors : To Extricate himself out of those Difficulties, he Summons a Parliament, and layes before them the Necessities of the Crown, and demands their assistance by Supplies of Money, for managing the *Palatinate* Warr, in which they had involved his Father, and which, with the Crown, was devolved upon him ; but the Commons instead of *Money*, presented him with *Two Petitions*, one about Religion, the other about Grievances ; and in the Conclusion, they fell severely upon the Duke of *Buckingham*, who by reason of the Great Favour of his Prince, was fallen under the Popular Envy and Hatred ; and the Debates running very high, the King Dissolved the Parliament ; and a Second being in the same strain, and no Money to be had, had also the same period, of which the Reader will receive a more full Account in the *Introduction* to these Historical Collections, whither to avoid Repetition he is referred.

The Necessities of the King daily increasing, recourse was had to Extraordinary Methods of raising Money ; and among the Rest, that of Loan, by virtue of a Warrant under the Privy Seal to Gentlemen of Estates, was made Use of, and one of these Seals being sent to Sir *Thomas Wentworth* for 40 *l*, he declined the Payment of the Money, as intrenching upon the Property of the Subject ; whereupon he was confined, as were several other Gentlemen upon the same Occasion.

By which suffering, he became Exceeding Popular, and look't upon as a Confessor for the Liberty and Property of the People, and in the Following Parliament, whereof he was a Member, and in which he began to display his great Parts and Abilities, upon this Occasion, he came to be much taken notice of, and observed, even at the Court, as a Person of uncommon Abilities ; and the gaining of him to the Kings Interest was, by those who managed the Publique Affairs, thought might contribute much to the advancement of the Kings Interest and Service.

But how unsuccessful this Procedure of gaining Men of Ability by Preferments, and rebating the Edge of Popular Spirits by Honors and Advancements to Places of Trust, proved to the Interest of the King, not only the Event, but Reason, upon which it is Naturally Founded, does most plainly manifest : for Ambition, or the natural Desire of Honour, becomes hereby a perfect *Hydra*, and the Prince cannot sooner remove one Head, but immediately another rises in the place ; and at the same time that a Popular Opponent is converted by Court Preferment, he becomes the Envy of all those whose Party he seems to have abandoned, and the greatest Abilities and real Services he shall render to his Benefactor, will not only be ill represented, but by how much the greater his Interest, Power and Abilities are, by so much will he be Esteemed more dangerous, and in proportion both Envy'd and Hated.

However, it seems, these were not the Sentiments at that time of those who managed the Affairs of State ; for a Train was laid for an Interview between Sir *Richard Weston* then Lord Treasurer, and afterwards Earl of *Portland*, and Sir *Thomas Wentworth*, which being Effected, the Interview begot an acquaintance, and the acquaintance in a little time grew to a most Firm and Solid Friendship ; Great Minds being with little Difficulty invited to, and Established in those Generous Friendships, which
are

are begotten, not out of Wantonness or trifling formality, but by the inward harmony and likeness which Noble Souls quickly discover in Each other.

It happened, that in some of the divertive Entertainments of their agreeable Conversation, these Two Great Men falling upon the Discourse of the Popular Humor in the Commons House, which the Lord *Treasurer* wisely judged could never either portend, or promote any real advantage to the Nation; Sir *Thomas* declared himself to be in his Judgment an absolute Enemy to the consequences and dreadful Effects which usually attend Popular Commotions and disturbances, which generally produce the very same or worse miseries, then those which they pretend to redress; and pursuing his ingenious discourse, he offered some Expedients so rational and persuasive towards a Mediation, and Reconciliation of the present Differences, and some things so apposite to the present juncture of Affairs, as Extremely raised the value of his Prudence, and Wisdom in the Esteem of the Lord Treasurer, who daily discovered more and more the penetrating Abilities of his Mind, mingled with a solid firmness of Reason and Judgment.

It will easily be believed, that the Lord *Treasurer*, having, as he could not but conclude, found a Jewel fit for a Princes Cabinet, was not backward in representing Sir *Thomas Wentworth* to his Majesty with a Character no ways disadvantageous to him; nor was there any great difficulty to introduce him into his Majesties Esteem and Favour, who was already possessed with a belief and knowledg of his Merit, and how serviceable a Person of his Interest and Qualifications might be to his Affairs.

He was no sooner come under the warm influence of Majesty, but he was made sensible of the Beams of Honour which are derived from the Royal Fountain of it; and in a little time he was created Baron *Wentworth*; and the Ascendant of his wisdom daily gaining upon his Majesties Favour and Esteem, he was shortly advanced to the Honour of Viscount *Wentworth* of *Wentworth Woodhouse*, made one of his Majesties most Honorable Privy-Council, Lord Lieutenant of the County of *Tork*, and Lord President of the Court and Council of the *North*.

And here give me leave to mention a little and in appearance a trifling accident of Honour, which proved the great, if not the only occasion of his Ruin; among the rest of his Honours he had the Title of Baron of *Raby*, an Honour to which Sir *Henry Vane* one of his Majesties Secretaries of State, who was possessed of the Castle of *Raby* and the Demesns thereunto belonging, had some pretensions, and was not a little ambitious of; but being overshadowed by this lofty and spreading Cedar, he was so stung with the disappointment, and so thirsty of Revenge, that though he warily smothered his Resentments, yet he was ever an Enemy to this Noble Lord, and as it appeared for his sake to his Royal Master; and as it may from hence be not improbably conjectured, judging himself far more nearly interested in the Ruin of this great Person than any other, he satiated his private Revenge by the pretence of Publick Justice; and when in all likelihood the Earl must have Escaped the Prosecution of his Adversaries he produced that Fatal Scrip of Paper, of which mention will be made hereafter, which had lain so long Dormant, or rather which was newly framed, upon which the Bill of Attainder in the House of Commons was founded, to take away that Life which a Legal Tryal would otherwise have acquitted, though not of Misdemeanors, yet of the Capital Crime of High Treason.

1641.

My Lord *Wentworth* being now made one of his Majesties Privy Council, gave such daily Testimonies of his singular Wisdom, as soon recommended him to the Observation of that Great Man *William Laud* then Bishop of *London*, and afterwards Archbishop of *Canterbury*; and that Discernment of each others Merits, which generally in great Minds produces Emulation, Envy, and too commonly Aversion and Animosity begat in them a Friendship; which being cemented by the common bond of Loyalty and Fidelity to their great Masters Service and Interest, proved so firm and indissolvable, as to have no other Period but that of their Untimely Deaths.

Nor did Fortune, who seemed now wholly imployed in bestowing her treacherous Caresses upon this Noble Lord, stop here, for he was in a little time advanced to be Lord Lieutenant of *Ireland*, one of the Trusts and Honours, as near the wearing of a Crown, as any thing can be, that is not actually possessed of one: when he came to that Government he found all things in great Disorder, the Revenue so low that *Ireland* was a Burthen to the Crown of *England*, which by his Wise Management, he not only took off, but so improved the Trade of the Nation, and the Revenue of the Crown, that, that Kingdom was not only able to support it self, but to lend supplies to *England*.

And as he was an Extraordinary Zealous promoter of the Interest and Glory of the Established Church and the Protestant Episcopal Party, for which possibly there was a stricter bond of amitie between him and the Arch-Bishop, he did by the assistance of that great Metropolitane, procure from his Majesty the Restoring of all the Impropropriations, which in that Nation were then in the Crown, to the Bishops and Clergy, thereby rescuing the Church-men from those disadvantages which Contempt and Poverty in these declining Ages of Religion had reduced them to; and by proposing Rewards to Merit, Virtue, Learning and Piety, encouraged men of Parts to dedicate themselves to those Nobler Studies, That contenting themselves with those competent Provisions they might be enabled to resist the Temptations of applying themselves to the more gainful Arts of Secular Professions. In short, how he managed the Government of that Kingdom, notwithstanding the turbulent Humor of the Native *Irish*, whose Religion being Popish, and whose Interest to dispossess the *English* whom they ever esteemed incroachers and invaders, continually prompted them to Rebellions; this is the clearest Testimony, that during all the time that he was his Majesties Vice-Roy in that Kingdom, there was not the least murmur of Sedition, but all things buried in a most profound Peace and Quiet: But no sooner were the Reigns of his Government taken off, and even before the blood was cold which dyed his blushing Scaffold, but that Kingdom was all in a blaze, and from thence such sparks of Jealousie flew over into *England*, as set this miserable Nation into such an Universal Conflagration, as was not Extinguished but with whole Rivers of Blood; which one may say not altogether Poetically seemed to be sacrificed by the Revenging Deity, to the *Manes* of this Illustrious Man.

And now the Sun of his Glory was gotten to the Top of his Meridian; and from thence had Exhaled those Vapours, and sulphureous ingredients, which being condensed into Clouds of Popular Discontents raised so horrible a Storm, as forced him to set in a dismal Cloud.

*Lætis hunc Numina Rebus
Crescendi posuère modum*—————

Innocence

Innocence is no Protection against Envy, and those Merits which raised Admiration and Satisfaction in Good and Virtuous Men, produced Emulation and Hatred in the Minds of the Turbulent and Discontented; and as formerly all the Complaints and Grievances of the Nation seemed to Centre in the Duke of *Buckingham*, so now the Noble Earl of *Strafford*, for to that Honour he was advanced, inherited with the Favour of his Prince, all that was Black and Criminal in a Favourite, which was now become a certain mark of the Peoples Hatred.

The long Discontinuance of Parliaments, the Imposition of Ship-mony, and the Design of introducing Arbitrary Government, were all placed to his Score; as the intentions of bringing in Superstitions, Innovations and Popery, were charged upon the Archbishop of *Canterbury*: But above all, he had so Exasperated the *Scottish* Faction, and their Friends in *England*, that his or their Ruin, as they concluded, was inevitable: for he had raised a Considerable Army in *Ireland*, and being in the Sickness of the Earl of *Northumberland* made Lieutenant General of the Army in the *North*, he was an utter Enemy to the Treaty, and of Opinion by force of Arms to drive the *Scots* out of *England*; and so confident was he in the height of his Courage that it might Easily be Effected, that in one of his Letters to the Archbishop, he writ, *That he would venture his head, if he did not drive the Scots out of England; and though he did not think it proper for him, as the Case now stood, to give the King that Advice; Tet if any of the Lords would propose to the King to try the Fortune of a Battle, he made not the least scruple to send the Scots back again in more haste than they came into England.* And had his Majesty pursued those Counsels, in all humane Probability this Noble Earl might have saved not only his own but the Royal Head of his Master, and that vast Expence of Blood and Treasure, as well as the Honour of the *English* Nation which suffered infinitely abroad, by all the succeeding Accidents and Events which Ensued that dishonourable Treaty; but *Diis aliter visum est*.

No sooner was the Parliament met at *Westminster*, and the necessary affairs of choosing a *Speaker*, taking the Oaths of Allegiance and Supremacy, and upon *Friday Novemb. 6.* the Grand Committees for Religion, Grievances, Courts of Justice, Trade and Priviledges settled, but Mr. *Pym* moved for a Committee of the whole House to take into Consideration the *Irish* Affairs, from whence there were great and numerous Complaints. This was seconded by Sir *John Clotworthy*, in a Speech wherein though he did not name the Earl of *Strafford*, yet the pointed reflections were so easie to be interpreted, that the whole House knew he was the Person, at whose head the Thunderbolt was levell'd. After some Debate the House was Divided upon the Question, and there being *Yeas 165, Noes 152*, it was carried in the affirmative.

Friday;
November 6.

This Vote for a Grand Committee of the whole House for *Irish* affairs presently gave the Alarm to those Gentlemen of the House, whose Friendship for the Earl, made them Vigilant in attending the Motions of his Enemies, whose Designs as well as hatred of him, were not unknown to them.

Immediately they posted Letters down to him in the *North* where he was still with the Army, advertising him of what was done in the House of Commons, and the apprehension they had that a Storm was gathering which would shortly discharge it self upon him; and leaving it to his deliberation whether to come up to the Parliament or not: however, they advised him if he did resolve to come, that he should come prepared to

I 6 4 I.

to impeach some of the Principal of his Enemies, of a Confederacy with the Scots in their invading of *England*, and thereby as the Duke of *Buckingham* had formerly treated the Earl of *Bristol*, to crush their Accusations in the bud, and disable them from his Prosecution, by obliging them first to clear themselves.

But those who were his intimate Friends advised him, either to continue with the Army, over whom he had got a most powerful influence, or to retire to *Ireland*, which then also was intirely at his Devotion; or lastly, to take a retreat in some Eorreign Country, till the Fury of the Storm was spent; that from thence upon a favourable turn of his affairs, he might be able to recover his Station, and vindicate his Innocence; they represented to him how impossible it would be for him to stand the shock of his Combined Adversaries, of the *Scottish* Nation and Faction in both the Houses, and that to run upon inevitable Ruin, though it might speak Innocence and Courage, yet among Wise men, it would make his Judgment and Wisdom extreamly censured; since the worst that could happen to him by retiring, was to have Sentence passed upon him for non-appearance; but that in recompence of that disadvantage, and the seeming Loss of his Honour and Reputation, he would certainly preserve his Life and Liberty; and reserving himself for a better Destiny, might, as multitudes of Great Men have done before him, not only recover his Glory and Integrity from under the present Eclipse, but render his Reputation far more bright by coming from under the black Clouds of Calumny and Injustice; Whereas, should he adventure to stand the Test of Parliament, he could expect little Mercy, and less Justice, from such of his Enemies, who could not but resolve his Ruin, to prevent their own; and that, if notwithstanding all his Integrity, should Sentence of Condemnation pass upon him, he should not only lose his Honor, Life, and Estate, but endanger the present loss of his Fame, if not the future too; ignoble Minds being apt to judge the Condemned alwayes Criminal, and that Posterity, who may much more probably want those assistances to rescue a suffering Innocence from Injustice, which even the Age wherein it was transacted was not sufficiently able to do, will be apt to believe the Certainty of Fact which speaks a Guilt, rather than the uncertainty of a Traditional Innocence; though it has so happened to the Ashes of this Illustrious Innocent, that the Guilt has by solemn Act of Parliament been obliterated, and as he suffered by the Injustice of a *Lex post nata*, so he had all the Reparation the Justice of a *Posthumus* Law could do his Memory.

But such was the high Courage of this Noble Earl, who had much more of the Oak than the Willow about his Heart, that all the Arguments and Remonstrances of his Friends were lost upon him; To stay with the Army, from whence he would assuredly, if impeached, be commanded; or to retire to *Ireland*, he judged would look too like Rebellion, from which as he had the strongest aversion, so it would give his Enemies some colourable foundation for a real Guilt, and to take Sanctuary under the Protection of any Forreign Court, was to abandon his Innocence, and tacitly to confess himself a Criminal, and would in the Opinion of the World, make him appear guilty of all the Crimes his Accusers should lay to his Charge.

In the Confidence of his own Innocence, and of the guilt of his Enemies, of whose Confederacy with the Covenanters of *Scotland* he had, as he thought, got sufficient Evidence to Impeach several both of the Lords and

and Commons, as guilty of an Invitation of the Scots to Invade England, he takes Post for London, intending, as soon as he was arrived at the Parliament, to present it to the House of Peers.

But his Enemies proved too diligent for him, and knowing how great influence the first blow would have, before he could accomplish his Intention, they prevented him by an Impeachment as Quick as Unexpected: for upon *Wednesday* the Eleventh of *November*, the Doors of the House of Commons being locked up, and the Key brought up to the Table, the Impeachment of the Earl was moved in the House, and Messengers were sent to the Lords to desire a Conference concerning the Earl of *Strafford*, and

Mr. Pym,	Lord Digby,
Mr. Strode,	Sir John Clotworthy,
Mr. St. Johns,	Sir Walter Erle,
Serjeant Grimston,	Mr. Hambden,

Wednesday,
Novemb. 11.

Committee
to prepare a
Charge against
the Earl of
Strafford.

were appointed to be a Select Committee to prepare Matter for a Conference with the Lords, and to draw up a Charge against the Earl of *Strafford*, and in order to it, to withdraw immediately into the Committee Chamber.

This retirement was only *pro formâ*, for they had all the Charge ready, and therefore they immediately returned, and reported to the House a Charge against the Earl; whereupon it was Resolved upon the Question,

That a Message be sent to the House of Lords to Impeach the Earl of Strafford Lord Lieutenant of Ireland of High Treason; which Mr. Pym who by Command of the House carried it up, and delivered in these Words:

My Lords,

THE Knights, Citizens and Burgeses now Assembled in the Commons House in Parliament, have received Informations of divers Trayterous Designs and Practices of a great Peer of this House, and by virtue of a Command from them, I do here in the Name of the Commons now Assembled in Parliament, and in the Name of all the Commons of England, accuse Thomas Earl of *Strafford* Lord Lieutenant of Ireland, of High Treason: and they have Commanded me further to desire your Lordships that he may be Sequestred from Parliament, and forthwith Committed to Prison: They have further Commanded me to let you know, That they will within a very few dayes resort to your Lordships with the particular Articles and Grounds of this Accusation.

The Earl then being commanded to withdraw, it was put to the Question by the Lords, *Whether He should be Imprisoned upon a general Accusation of Treason?* and being carried in the affirmative, he was called in, kneeling at the Barr, and afterwards standing up, the Lord Keeper by Command of the House spake to him as followeth:

M^T Lord of *Strafford*, The House of Commons in their own Name, and in the Name of the whole Commons of England, have this day accused your Lordship to the Lords of the Higher House of Parliament, of High Treason; the Articles they will in a few dayes produce; in the mean time they have Resolved, That your Lordship shall be Committed into Safe

I 6 4 I.

Safe Custody to the Gentleman Usher, and be Sequestred from the House, till your Lordship shall clear your self of the Accusations that shall be laid against you. Whereupon he was immediately taken into Custody by James Maxwell Usher of the Black Rod.

And that the Commons might Disable him of the Testimony and Assistance of Sir George Radcliff his great Friend, and Confident, it was resolved to make him a Party, and accuse him of High Treason and Confederacy with the Earl; which was accordingly done, as is more at large related before, to which the Reader is referred: only a Debate worth the Observation arose upon his being a Member of the Parliament in Ireland, *Whether he could without Breach of Priviledge be sent for?* Upon which it was Resolved as a thing out of all Doubt, *That in case of High Treason, Priviledg of Parliament neither here nor there doth reach to Protect him:* Notwithstanding which, when afterwards his Majestie accused the Lord Kimbolton and the Five Members of High Treason, and Exhibited Articles against them, they did not only protect them, but arraigned that proceeding as the Highest Violation of the Priviledges of Parliament, making it one of the main Foundations upon which they built the Justice of the succeeding Rebellion, and their taking up Arms against his Majesty.

Wednesday,
Novemb. 18.

It was Ordered, *That no Member of the House of Commons shall visit the Earl of Strafford during his restraint, without Licence first obtained from the House.* And the same Order was taken in the House of Peers; and all the time of his Imprisonment, the Lieutenant of the Tower brought in a Weekly account of the Names of those persons who visited him, and by whose Order.

Munday, Nov.
23.

Upon Munday, Novemb. 23. Mr. Pym presented a draught of Articles to the House, which being referred to the Committee who were to prepare a Charge against the Earl, were by them reported, and agreed to by the House, and Mr. Pym ordered to go up with them to the Lords; which upon Wednesday following he did accordingly; and before their Lordships laid out his Talent of Speech-making upon that subject as follows. The Articles being first tendred and Read, which were these.

Wednesday,
Nov. 25.

I.

Articles of
Impeachment
against the
Earl of Strafford,
Nov. 25.

That he the said Thomas Earl of Strafford, hath Trayterously endeavoured to subvert the Fundamental Laws and Government of the Realms of England and Ireland, and instead thereof to introduce an Arbitrary and Tyrannical Government against Law, which he hath declared by Trayterous Words, Counsels, and Actions, and by giving his Majesty advice, by force of Armes to compel his Loyal Subjects to submit thereunto.

2. That he hath Trayterously assumed to himself Regal power over the Lives, Liberties, Persons, Lands, and Goods of his Majesties Subjects in England and Ireland, and hath exercised the same Tyrannically, to the subversion and undoing of many, both of Peers and others of his Majesties Liege people.

3. That the better to enrich and enable himself to go thorow with his Trayterous Designs, he hath detained a great part of his Majesties Revenue, without giving legal account; and hath taken great Summes out of the Exchequer, converting them to his own use, when his Majesty was necessitated for his own urgent occasions, and his Army had been a long time unpaid.

4. That he hath Trayterously abused the power and authority of his Government, to the encreasing, countenancing, and encouraging of Papists, that so he might settle a mutual dependance and confidence betwixt himself and that Party, and by their help prosecute, and accomplish his malicious and tyrannical designs.

5. That he hath maliciously endeavoured to stir up enmity and hostility between his Majesties Subjects of England, and those of Scotland.

6. That

6. That he hath Trayterously broken the great Trust reposed in him by his Majesty, of Lieutenant General of his Army, by wilfully betraying divers of his Majesties Subjects to death, his Army to a dishonourable defeat by the Scots at Newborn, and the Town of New-Castle into their hands, to the end, that by the effusion of blood, by dishonour, and so great a loss of New-Castle, his Majesties Realm of England might be engaged in a National and Irreconcilable quarrel with the Scots.

7. That to preserve himself from being questioned for those and other his Trayterous Courses, he laboured to subvert the Right of Parliaments, and the ancient course of Parliamentary Proceedings, and by false and malicious slanders to incense his Majesty against Parliaments. By which Words, Counsels, and Actions, he hath Trayterously, and contrary to his allegiance, laboured to alienate the hearts of the Kings Liege people from his Majesty, to set a division between them, and to ruin and destroy his Majesties Kingdoms, for which they impeach him of High Treason against our Sovereign Lord the King, his Crown and Dignity.

8. And he the said Earl of Strafford was Lord Deputy of Ireland, and Lieutenant General of the Army there, viz. His most excellent Majesty, for his Kingdoms both of England and Ireland, and the Lord President of the North, during the time that all and every the Crimes and Offences before set forth were done and committed, and he the said Earl was Lieutenant General of all his Majesties Army in the North parts of England, during the time that the Crimes and Offences in the fifth and sixth Articles set forth were done and committed.

9. And the said Commons by protestations, saving to themselves the liberty of exhibiting at any time hereafter any other Accusation or Impeachment against the said Earl, and also of replying to the Answers that he the said Earl shall make unto the said Articles, or to any of them, and of offering proofes also of the premisses or any of them, or any other impeachment or accusation that shall be exhibited by them, as the cause shall according to the course of Parliaments require, do pray that the said Earl may be put to answer for all and every the premisses, that such Proceedings, Examinations, Tryals, and Judgments may be upon every of them had and used, as it is agreeable to Law and Justice.

My Lords,

THese Articles have exprest the Character of a great and dangerous Treason; such a one as is advanced to the highest degree of Malice and of Mischief: It is enlarged beyond the limits of any description or definition: it is so hainous in it self, as that it is capable of no aggravation: a Treason against God, betraying his Truth and Worship; against the King, obscuring the Glory, and weakning the foundation of his Throne; against the Common-wealth, by destroying the principles of Safety and Prosperity. Other Treasons are against the Rule of the Law: this is against the being of the Law: It is the Law that unites the King and his People; and the Author of this Treason hath endeavoured to dissolve that Union, even to break the mutual, irreversal, indissoluble band of Protection and Allegiance, whereby they are, and I hope ever will be bound together.

Mr. Pym's
Speech after
the Reading
the Articles
against the
Earl of Strafford,
Nov. 25.

If this Treason had taken effect, our Souls had been inthralled to the Spiritual Tyranny of Sathan; our Consciences to the Ecclesiastical Tyranny of the Pope; our Lives, our Persons and Estates to the Civil Tyranny of an Arbitrary, unlimited, confused Government.

Treason in the least degree, is an odious and a horrid Crime: other Treasons are particular; if a Fort be betrayed, or an Army, or any other Treasonable fact committed, the Kingdom may out-live any of these: this Treason would have dissolved the frame and being of the Common-wealth; it is an Universal, a Catholick Treason; the venom and malignity of all other Treasons are abstracted, digested, sublimated into this.

The Law of this Kingdom makes the King to be the Fountain of Justice, of Peace, of Protection; therefore we say, the Kings Courts, the Kings Judges, the Kings Laws. The Royal Power and Majesty shines upon us in every publick blessing and benefit we enjoy: but the Author of this Treason would make him the Fountain of Injustice, of Confusion, of publick misery and calamity.

The Gentiles by the light of Nature had some obscure apprehensions of the Deity, of which they made this expression, that he was Deus optimus maximus, and infinite goodness, and an infinite greatness. All Sovereign Princes have some Characters of

1641.

Divinity imprinted on them; they are set up in their Dominions to be Optimi, Maximi, that they should exercise a goodness proportionable to their greatness.

That Law term, *Læsa Majestas*, whereby they express that which we call Treason, was never more thorowly fulfilled then now: there cannot be a greater lasion or diminution of Majesty, then to bereave a King of the glory of his goodness. It is goodness (My Lords) that can produce not onely to his People, but likewise to himself Honour and Happiness. There are Principalities, Thrones and Dominions amongst the Devils, greatness enough; but being incapable of Goodness, they are made incapable both of Honour and Happiness.

The Lawes of this Kingdom have invested the Royal Crown with Power sufficient for the manifestation of his Goodness and of his Greatness: if more be required, it is like to have no other Effects but Poverty, Weakness and Misery, whereof of late we have had very woful Experience. It is far from the Commons to desire any abridgment of those great Prerogatives which belong to the King; they know that their own Liberty and Peace are preserved and secured by his Prerogative, and they will alwayes be ready to Support and Supply his Majesty with their Lives and Fortunes, for the maintenance of his Just and Lawful Power.

This (My Lords) is in all our Thoughts, in our Prayers, and I hope will be so manifested in our Endeavours, that if the Proceedings of this Parliament be not interrupted as others have been, the King may within a few Moneths be put into a clear way, of as much Greatness, Plenty and Glory, as any of his Royal Ancestors have enjoyed.

A King and his People make one Body: the Inferiour Parts confer Nourishment and Strength, the Superiour Sense and Motion: If there be an interruption of this necessary intercourse of blood and spirits, the whole Body must needs be subject to decay and distemper; therefore Obstructions are first to be removed, before Restoratives can be applyed. This (My Lord) is the end of this Accusation, whereby the Commons seek to remove this Person, whom they conceive to have been a great cause of the Obstructions betwixt his Majesty and his People: for the Effecting whereof, they have Commanded me to desire your Lordships, that their Proceedings against him may be put into as speedy a way of dispatch, as the Courses of Parliament will allow.

First, That he may be called to answer, and they may have liberty to Reply; That there may be a quick and secret examination of Witnesses, and they may from time to time be acquainted with the Depositions; that so when the Cause shall be ripe for Judgment, they may collect the several Examinations, and represent to your Lordships in one entire Body the state of the Proofs, as now by me they have presented to you the state of the Charge.

Of which Mr. Pym having given an account to the House, had the Thanks of the House returned for his well delivery of the Charge against the Earl of Strafford.

After this Impeachment was Read, the Earl was sent for to the House of Lords, and acquainted with the Order of their Lordships for his Commitment to the Tower; upon which occasion he made a most Moving and Eloquent Speech, but I have not been able to retrieve it, the Journal where it is Entred being according to an Act of Parliament after the Restauration of King Charles the Second wholly obliterated.

The Earl being thus Committed, he Petitioned the Lords to have Counsel assigned him, which was allowed, and

Mr. Richard Lane the Prince's Attorney, Mr. Recorder of London, Mr. Jo. Lightfoot, Mr. Hugh Windham, Serjeant Rolles, Mr. Platt, and Mr. Geo. Love were appointed to be his Counsel.

Upon the 30 of November a Conference was between a Committee of the Two Houses concerning the Examination of Witnesses and other things preparatory to the Trial of the Earl, where the Lords agreed, That such Members of the House of Commons as they shall appoint shall be present at the Examination of Witnesses; and the Lords who were appointed to take the Examination of the Witnesses, were

Earl

Earl of Strafford sent to the Tower.

Friday, Nov. 27.

Monday, Novemb. 30.

Earl of Bath, Earl of Bedford, Earl of Hartford, Earl of Essex, Lord Wharton, Lord Kimbolton, Lord Brook, Lord Roberts, Lord Savile, Lord Viscount Say and Seal, who were impowered to give an Oath to the Attendants, Witnesses, and the Commons who were to be present, of Secrefie, till the publication of the Evidence.

The Commoners chosen by their House to be present at this Examination, were

Mr. Selden, Mr. Dutton, Mr. Crew, Sir Peter Hayman, Mr. Grimston, Sir Henry Anderson, Sir Nevil Pool, Sir Tho. Barrington, who were all required to declare, *That by their Duty they owe to this House, they are obliged to keep all those Examinations secret*; who accordingly did every one make an open protestation that they would.

The Earl also Petitioned to be heard at the time of the preparatory Examinations, but was denied.

Among the Rest of the Witnesses Examined against the Earl, Sir David Fowles was one, who at the same time had a Petition depending in the House of Lords delivered Jan. 12, craving to be discharged of the Fine of Three thousand pounds imposed upon him by Decree of the Star-Chamber for Scandalous words against the Earl of Strafford.

Upon the 30th of Jan. a Day so Fatal to King Charles the First, the further Impeachment of the Earl of Strafford consisting in 28 Articles, was by Mr. Pym carried up to the Lords, which were as follow.

Articles of the Commons Assembled in Parliament, against Thomas Earl of Strafford, in maintenance of their Accusation whereby he stands Charged with High Treason.

WHereas the said Commons have already Exhibited Articles against the said Earl in hæc verba, &c. Now the said Commons do further Impeach the said Earl as followeth. (That is to say)

I.

That the said Earl of Strafford the 21 day of March in the Eighth Year of his Majesties Reign was President of the Kings Council in the Northern Parts of England.

That the said Earl being President of the said Council, on the 21 of March, a Commission under the Great Seal of England with certain Schedules of Instructions thereunto annexed, was directed to the said Earl or others of the Commissioners therein named, whereby among other things, Power and Authority is limited to the said Earl and others the Commissioners therein named, to hear and determine all Offences and Misdemeanors, Suits, Debates, Controversies and Demands, Causes, Things and Matters whatsoever therein contained, and within certain Precincts in the said Northern Parts therein specified, and in such manner as by the said Schedule is limited and appointed.

That among other things in the said Instructions, it is directed, That the said President and others therein appointed, shall hear and determine according to the Course of Proceedings in the Court of Star-Chamber, divers Offences, Deceits and Falsities therein mentioned, Whether the same be provided for by Acts of Parliament or not, so that the Fines imposed be not less than by the Act or Acts of Parliament provided against those offences is appointed.

That also amongst other things in the said Instructions, it is directed that the said President and others therein appointed, have power to examine, hear, and determine, according to the course of proceedings in the Court of Chancery, all manner of Complaints for any matter within the said Precincts, as well concerning Lands, Tenements, and Hereditaments, either Free-hold, Customary, or Copy-hold, as Leases, and other things therein mentioned, and to stay proceedings in the Court of Common Law by Injunction, or otherwise, by all wayes and means, as is used in the Court of Chancery.

And although the former Presidents of the said Council had never put in practice such Instructions, nor had they any such Instructions, yet the said Earl in the Moneth of May in the said 8th Year, and divers Years following, did put in practice, exercise,

I 6 4 I.
Thursday Dec. 3.
Committee to
Examine Evi-
dence, an Oath
of Secrecy ad-
ministrated.

Commons to
be present at
the Examina-
tion, their
Protestation.

Saturday,
Jan. 30.

The further
Impeachment
of the Earl of
Strafford, &
Jan. 30.

1641.

and use, and caused to be used and put in practice the said Commission and Instructions, and did direct and exercise an exorbitant and unlawful power and jurisdiction on the persons and estates of his Majesties Subjects in those parts, and did Disinherit divers of his Majesties Subjects in those parts of their Inheritances, sequestred their Possessions, and did fine, ransom, punish and imprison them, and caused them to be fined, ransomed, punished and imprisoned, to their ruine and destruction, and namely, Sir Coniers Darcy, Sir John Bourcher and divers others against the Laws, and in subversion of the same. And the said Commission and Instructions were procured and issued by the advice of the said Earl.

And he the said Earl, to the intent that such illegal and unjust power might be exercised with the greater licence and will did advise, Counsel, & procure further directions, in and by the said instructions to be given, that no prohibition be granted at all, but in cases where the said Council shall exceed the limits of the said instructions: And that if any Writ of Habeas Corpus be granted, the party be not discharged till the party perform the Decree and Order of the said Council.

And the said Earl in the 13. year of his now Majesties Reign, did procure a new Commission to himself and others therein appointed, with the said Instructions, and other unlawful additions.

That the said Commission and Instructions were procured by the solicitation and advice of the said Earl of Strafford.

2. That shortly after the obtaining of the said Commission dated the 21 of March, in the 8 year of his now Majesties Reign (to wit) the last day of August then next following, he the said Earl (to bring his Majesties liege People into a dislike of his Majesty and of his Government, and to terrifie the Justices of the Peace from executing of the Laws: He the said Earl, being then President, as aforesaid, and a Justice of Peace) did publickly at the Assizes held for the County of York, in the City of York, in and upon the said last day of August, declare and publish before the People there attending for the administration of Justice according to the Law, and in the presence of the Justices sitting; That some of the Justices were all for Law, but they should find that the Kings little finger should be heavier then the loyns of the Law.

3. That the Realm of Ireland having been time out of mind annexed to the Imperial Crown of England, and governed by the same Laws: The said Earl being Lord Deputy of that Realm, to bring his Majesties liege People of that Kingdom likewise into dislike of his Majesties Government, and intending the Subversion of the Fundamental Laws and settled government of that Realm, and the destruction of his Majesties liege People there, did upon the 30. day of September, in the ninth year of his now Majesties Reign, in the City of Dublin (the chief City of that Kingdom, where his Majesties Privy Council, and Courts of Justice do ordinarily reside, and whither the Nobility and Gentry of that Realm do usually resort for Justice,) in a publick Speech before divers of the Nobility and Gentry, and before the Mayor, Aldermen and Recorder, and many Citizens of Dublin, and other his Majesties Liege People, declare and publish, that Ireland was a conquered Nation, and that the King might do with them what he pleased: and speaking of the Charters of the former Kings of England made to that City, he further said that their Charters were nothing worth, and did bind the King no further then he pleased.

4. That Richard Earl of Cork, having sued out process in course of Law for recovery of his Possessions, from which he was put, by colour of an order made by the said Earl of Strafford, and the Council Table of the said Realm of Ireland. The said Earl of Strafford, upon a paper Petition without legal proceeding, did the 20. day of February, in the 11. year of his now Majesties Reign, threaten the said Earl of Cork (being then a Peer of the said Realm) to Imprison him, unless he would surcease his suit, and said, That he would have neither Law nor Lawyers dispute or question any of his orders. And the 20. day of March in the said 11. year, the said Earl of Strafford, speaking of an order of the said Council Table of that Realm, in the time of King James, which concerned a Lease which the said Earl of Cork claimed in certain Rectories or Tithes which the said Earl of Cork alledged to be of no force, said, That he would make the said Earl, and all Ireland know, so long as he had the Government there, any Act of State, there made or to be made, should be as binding to the Subjects of that Kingdome, as an Act of Parliameut; And did question the said Earl of Corke in the Castle Chamber, upon pretence of the breach of the said order of Council Table, and did sundry other times, and upon sundry other occasions,

casions, by his words and speeches arrogate to himself a power above the fundamental Laws, and Established Government of that Kingdom, and scorned the said Laws and established Government.

1641.

5 That according to such his Declarations and Speeches, the said Earl of Strafford did use and exercise a power above, and against, and to the Subversion of the said fundamental Laws, and established Government of the said Realm of Ireland, extending such his power, to the Goods, Free-holds, Inheritances, Liberties, and Lives of his Majesties Subjects in the said Realm, viz. The said Earl of Strafford the twelfth day of December, Anno Domini 1635. in the time of full peace did in the said Realm of Ireland, give and procure to be given against the Lord Mount Norris (then and yet a Peer of Ireland, and then Vice-Treasurer and receiver general of the Realm of Ireland, and one of the principal Secretaries of State, and Keeper of the Privy Signet of the said Kingdom, a Sentence of death by a Council of War called together by the said Earl of Strafford, without any Warrant or Authority of Law, or offence deserving any such punishment. And he the said Earl did also at Dublin, within the said Realm of Ireland, in the Month of March, in the fourteenth year of his Majesties Reign without any legal or due proceedings or Tryal, give, or cause to be given, a Sentence of death against one or other of his Majesties Subjects, whose name is yet unknown, and caused him to be put to death in execution of the said Sentence.

6 That the said Earl of Strafford, without any legal proceedings, and upon a paper Petition of Richard Rolstone, did cause the said Lord Mount-Norris to be disseized and put out of possession of his free-hold and inheritance of his Mannor and Tymore in the Countrey of Armagh, in the Kingdom of Ireland, the said Lord Mount-Norris having been two years before in quiet possession thereof.

7. That the said Earl of Strafford, in the Term of holy Trinity, in the thirteenth year of his now Majesties Reign, did cause a case, commonly called the case of Tenures upon defective Titles, to be made and drawn up without any Jury or Trial, or other legal process, and without the consent of parties, and did then procure the Judges of the said Realm of Ireland to deliver their opinions and resolutions to that case, and by colour of such opinion, did without any legal proceeding cause Thomas Lord Dillon, a Peer of the said Realm of Ireland, to be put out of possession of divers Lands, and Tenements, being his Free-hold in the Countrey of Mago and Roscomen, in the said Kingdom, and divers other of his Majesties Subjects to be also put out of Possession, and Disseized of their Freehold by colour of the same resolution, without legal proceedings, whereby many hundreds of his Majesties Subjects were undone, and their Families utterly ruined.

8. That the said Earl of Strafford upon a Petition of Sir John Gifford Knight, the first day of February, in the said Thirteenth Year of his Majesties Reign, without any legal Process, made a Decree of Order against Adam Viscount Loftus of Ely, a Peer of the said Realm of Ireland, and Lord Chancellor of Ireland, and did cause the said Viscount to be Imprisoned and kept close Prisoner, on pretence of Disobedience to the said Decree or Order.

And the said Earl without any Authority, and contrary to his Commission, required and commanded the said Lord Viscount to yield unto him the Great Seal of the Realm of Ireland, which was then in his custody by his Majesties Command, and Imprisoned the said Chancellour for not obeying such his Command.

And without any Legal Proceedings, did in the same Thirteenth Year Imprison George Earl of Kildare, a Peer of Ireland, against Law, thereby to enforce him to submit his Title to the Mannor and Lordship of Castle Leigh in the Queens County, (being of great yearly value) to the said Earl of Strafford's Will and Pleasure, and kept him a year prisoner for the said cause, two moneths whereof he kept him close Prisoner, and refused to enlarge him, notwithstanding his Majesties Letters for his enlargement to the said Earl of Strafford directed.

And upon a Petition exhibited in October, 1635. by Thomas Hibbotts, against Dame Mary Hibbotts Widow, to him the said Earl of Strafford, the said Earl of Strafford recommended the said Petition to the Council Table of Ireland, where the most part of the Council gave their Vote and Opinion for the said Lady, but the said Earl finding fault herewith, caused an Order to be entred against the said Lady, and threatened her that if she refused to submit thereunto, he would Imprison her, and Fine her five hundred pounds, that if she continued obstinate, he would continue her Imprisonment, and double her Fine every Moneth, by means whereof she was enforced to relinquish her Estate

1641.

Estate in the Lands questioned in the said Petition, which shortly was conveyed to Sir Robert Meredith, to the use of the said Earl of Strafford.

And the said Earl in like manner did Imprison divers others of his Majesties Subjects upon pretence of Disobedience to his Orders and Decrees, and other illegal Commands by him made for pretended Debts, Titles of Lands, and other Causes in an Arbitrary and Extrajudicial course upon Paper Petitions to him preferred, and no other cause legally depending.

9. *That the said Earl of Strafford the Sixteenth day of February, in the Twelfth Year of his now Majesties Reign, assuming to himself a power above and against Law, took upon him by a general Warrant under his hand, to give power to the Lord Bishop of Down, and Connor his Chancellor, or Chancellors, to their severall Officers thereto to be appointed, to attach and arrest the Bodies of all such of the meaner and poorer sort, who after Citation should either refuse to appear before them, or appearing should omit, or deny to perform, or undergoe all lawful Decrees, Sentences, and orders, issued, imposed, or given out against them, and them to commit and keep in the next Goal, until they should either perform such sentences, or put in sufficient Bail to shew some reason before the Councel Table, of such their contempt and neglect; and the said Earl, the day and year last mentioned, signed and issued a Warrant to that effect, and made the like Warrant to send to all other Bishops and their Chancellors in the said Realm of Ireland to the same effect.*

10 *That the said Earl of Strafford being Lord Lieutenant, or Deputy of Ireland, procured the Customes of the Merchandize exported out, and imported into that Realm to be farmed to his own use.*

And in the Ninth Year of his now Majesties Reign, he having then interest in the said Customes (to advance his own gain and lucre) did cause and procure the native Commodities of Ireland, to be rated in the Book of Rates for the Customes (according to which the Customes were usually gathered) at far greater values and prices than in truth they were worth (that is to say) every Hide at twenty Shillings, which in truth was worth but five Shillings, every stone of Wool at thirteen shillings four-pence, though the same ordinarily were worth but five Shillings, at the utmost but nine Shillings; by which means the Custome, which before was but a twentieth part of the true value of the Commodity, was enhanced sometimes to a fifth part, and sometimes to a fourth, and sometimes to a third part of the true value, to the great oppression of the Subjects, and decay of Merchandize.

11 *That the said Earl, in the Ninth Year of his now Majesties reign, did by his own will and pleasure, and for his own lucre restrain the exportation of the Commodities of that Kingdome without his Licence, as namely Pipe-staves, and other Commodities, and then raised great Sums of Money for licensing of exportation of those Commodities, and dispensation of the said restraints imposed on them, by which means the Pipe-staves were raised from four pound ten shillings; or five pound per thousand to ten pound, and sometimes eleven pound per thousand; and other Commodities were enhanced in the like proportion, and by the same means by him the said Earl.*

12 *That the said Earl being Lord Deputy of Ireland, on the ninth day of January in the Thirteenth Year of his Majesties Reign, did then under colour to Regulate the Importation of Tobacco into the said Realm of Ireland issue a Proclamation in his Majesties Name, prohibiting the importation of Tobacco without licence of him and the Councel there, from and after the first day of May, Anno Dom. 1638. after which restraint the said Earl, notwithstanding the said restraint, caused divers great quantities of Tobacco to be imported to his own use, and freighted divers Ships with Tobacco, which he imported to his own use: and that if any Ship brought Tobacco into any Port there, the said Earl and his Agents used to buy the same to his own use, at their own price. And if that the owners refused to let him have the same at under values, then they were not permitted to vent the same; by which undue means, the Earl having gotten the whole Trade of Tobacco into his own hands, he sold it at great and excessive prizes, such as he list to impose for his own profit.*

And the more to assure the said Monopoly of Tobacco, he the said Earl on the three and twentieth day of February, in the Thirteenth Year aforesaid, did issue another Proclamation, commanding that none should put to Sale any Tobacco by whole sale, from and after the last day of May, then next following, but what should be made up into Rolls, and the same Sealed with two Seals by himself appointed, one at each end of the Roll. And such as was not Sealed to be seised, appointing six pence the pound for a reward to such persons as should seize the same: and the persons in whose custody the unsealed Tobacco should be

be found, to be committed to Goal, which last Proclamation was covered by a pretence for the restraining of the Sale of unwholesome Tobacco, but it was truly to advance the said Monopoly.

Which Proclamation, the said Earl did rigorously put in execution, by seizing the Goods, Fining, Imprisoning, Whipping, and putting the offenders against the same Proclamation on the Pillory, as namely Barnaby Hubbard, Edward Coven, John Tumen, and divers others: and made the Officers of State, and Justices of Peace, and other Officers to serve him in compassing and executing these unjust and undue courses, by which Cruelties and unjust Monopolies, the said Earl raised 100000 li. per annum gain to himself. And yet the said Earl though he enhanced the Customs, where it concerned the Merchants in general, yet drew down the impost formerly taken on Tobacco from six pence the pound to three pence the pound, it being for his own profit so to do.

And the said Earl, by the same, and other rigorous and undue means, raised several other Monopolies and unlawful exactions for his own gain, viz. on Starch, Iron-pots, Glasses, Tobacco-pipes, and several other Commodities.

13 That Flax being one of the principal and native Commodities of that Kingdome of Ireland, the said Earl having gotten great quantities thereof into his hands, and growing on his own Lands, did issue out several Proclamations, viz. one dated the one and twentieth day of May, in the Eleventh of his Majesties Reign, and the other dated the one and thirtieth day of January, in the same year, thereby prescribing and injoyning the working of Flax into Yearn and Thread, and the ordering of the same in such ways wherein the Natives of that Kingdom were unpractised and unskilful: which Proclamations so issued, were by his Commands and Warrants to his Majesties Justices of Peace, and other officers, and by other rigorous means put in execution, and the Flax wrought or ordered in other manner than as the said Proclamation prescribed, was seized and employed to the use of him and his agents, and thereby the said Earl endeavoured to gain, and did gain in effect the sole Sale of that Native Commodity.

14 That the said Earl of Strafford, by Proclamation dated the Sixteenth of October, in the Fourteenth Year of his Majesties Reign, did impose upon the Owners, Masters, Purfers, and Boats-swains of every Ship, a new and unlawful Oath, viz. that they (two or more of them) immediately after the arrival of any Ship within any Port or Creek in the said Kingdom of Ireland, should give in a true in-voice of the outward balke of Wares and Merchandises and number of Goods, and the qualities and condition of the said Goods, as far as to them should be known, the names of the several Merchants Proprietors of the said Goods, and the places from whence they were freighted, and whither they were bound to discharge: which Proclamation was accordingly put in execution, and sundry persons enforced to take the said unlawful Oath.

15 That the said Earl of Strafford Trayterously and wickedly devised and contrived by force of Armes in a warlike manner to subdue the Subjects of the said Realm of Ireland, to bring them under his Tyrannical power and will, and in pursuance of his wicked and Trayterous purposes aforesaid, the said Earl of Strafford in the Eighth Year of his Majesties Reign, did by his own Authority, without any warrant or colour of Law, tax and impose great Sums of Money upon the Towns of Baltemore, Baudenbridge, Talowe, and divers other Towns and Places in the said Realm of Ireland, and did cause the same to be levied upon the Inhabitants of those Towns by Troops of Souldiers, with Force and Arms, in a warlike manner. And on the Ninth day of March, in the Twelfth Year of his now Majesties Reign, Traiterously did give Authority unto Robert Savile, a Serjeant at Armes, and to the Captains of the Companies of Souldiers, in several parts of that Realm, to send such numbers of Souldiers to lye on the Lands and Houses of such as would not conform to his orders untill they should render obedience to his said orders and warrants, and after such submission (and not before) the said Souldiers to return to their Garrisons. And did also issue the like Warrants unto divers others, which Warrants were in Warlike manner, with Force and Arms put in Execution accordingly, and by such Warlike means did force divers of his Majesties Subjects of that Realm, to submit themselves to his unlawful Commands.

And in the said Twelfth Year of his Majesties Reign, the said Earl of Strafford did Traiterously cause certain Troops of Horse and Foot, armed in Warlike manner, and in Warlike array, with Force and Armes to expell Richard Butler from the possession of Castle-Cumber, in the Territory of Idough, in the said Realm of Ireland, and did likewise and in like Warlike manner, expel divers of his Majesties Subjects from their Houses, Families, and Possessions, as namely Ed. Brenman, Owen Oberman, Patrick Oberman,

1641.

Oberman, Sir Cyprian Horsfield, and divers others, to the number of about an hundred Families, and took and imprisoned them and their Wives, and carried them Prisoners to Dublin, and there detained them untill they did yield up, surrender, or release their respective Estates and Rights.

And the said Earl in like Warlike manner, hath during his Government of the said Kingdom of Ireland, subdued divers others of his Majesties Subjects easily to his Will, and thereby, and by the means aforesaid, hath levied War within the said Realm against his Majesty, and his Liege People of that Kingdom.

16. That the said Earl of Strafford, the Two and twentieth of February, in the Seventh Year of his now Majesties Reign, intending to oppress the said Subjects of Ireland, did make a Proposition, and obtained from his Majesty an allowance, That no Complaint of Injustice or Oppression done in Ireland, should be received in England against any, unless it first appeared, that the Party made first his address to him the said Earl: and the said Earl having by such usurped, tyrannical, and exorbitant Power, expressed in the former Articles, destroyed the Peers and other Subjects of that Kingdom of Ireland, in their Lives, Consciences, Land, Liberties, and Estates, the said Earl to the intent the better to maintain and strengthen his power, and to bring the People into a disaffection of his Majesty, as aforesaid, did use his Majesties Name in the execution of his said power.

And to prevent the Subjects of that Realm of all means of Complaints to his Majesty, and of Redress against him and his Agents, did issue a Proclamation, bearing date the Seventeenth day of September, in the Eleventh Year of his Majesties Reign, thereby commanding all the Nobility, Undertakers, and others who held Estates and Offices in the said Kingdom, (except such as were employed in his Majesties Service, or attending in England by his Special Command) to make their personal Residence in the said Kingdom of Ireland, and not depart thence without Licence of himself.

And the said Earl hath since issued other Proclamations to the same purpose, by means whereof the Subjects of the said Realm are restrained from seeking Relief against the oppressions of the said Earl, without his Licence: which Proclamation the said Earl hath by several rigorous wayes, as by Fine, Imprisonment, and otherwise, put in execution on his Majesties Subjects, as namely, one ——— Party, and others, who came over only to complain of the Exorbitances and Oppressions of the said Earl.

17. That the said Earl having by such means as aforesaid, subverted the Government and Lawes of the Kingdom of Ireland, did in March in the Sixteenth year of his Majesties Reign, in Scandal of his Majesty, of all his Kingdoms, and in further Execution of his wicked purposes aforesaid, speaking of the Armies in Ireland, declare, That his Majesty was so well pleased with the Army of Ireland, and the consequence thereof, that his Majesty would certainly make the same a pattern for all his Three Kingdoms.

18 That the said Earl of Strafford, for the better effecting of his Trayterous designs, and wicked purposes, did indeavour to draw dependency upon himself of the Papists in both Kingdoms of England and Ireland, and to that end during the time of Government in Ireland, he restored divers Frieries, and Mass-houses, (which had been formerly suppressed by precedent Deputies of that Kingdom, two of which houses were in the City of Dublin, and had been assigned to the use of the University there) to the pretended Owners thereof, who have since employed the same to the Exercise of the Popish Religion.

And in the Moneth of May and June last, the said Earl did raise an Army in the said Realm, consisting of Eight thousand Foot, all of which, except one thousand, or thereabouts, were Papists; and the said One thousand were drawn out of the Old Army there, consisting of Two thousand Foot; and in their places there were a thousand Papists, or thereabouts put into the said Old Army by the said Earl.

And the more to ingage and tie the new Army of Papists to himself, and to encourage them, and to discourage and wear out the Old Army, the said Earl did so provide; That the said New Army of Papists were duly payed, and had all Necessaries provided for them, and permitted the Exercise of their Religion; but the said Old Army were for the space of one whole Year and upwards unpaid.

And that the said Earl being appointed a Commissioner with Eleven several Counties in the Northern Parts of England, for Compounding with Recusants for their Forfeitures due to his Majesty; which Commission beareth date the Eighth day of July, in the Fifth Year of his Majesties Reign that now is, and being also Receiver of the Composition Money thereby arising, and of other Debts, Duties, and Penalties for his Majesties Use, by Letters Patents dated the 9. day of the said July: he, to engage the said Recusants to him, did compound with them at low and under Rates, and provided, that they should be discharged

discharged of all proceedings against them, in all his Majesties Courts, both Temporal and Ecclesiastical, in manifest breach of, and contrary to the Lawes and Statutes of this Realm, in that behalf established.

19. That the said Earl having Taxed and Levied the said Impositions, and raised the said Monopolies, and committed the said Oppressions in his Majesties Name, and as by his Majesties Royal Command, he the said Earl in May the 15th Year of his Majesties Reign, did of his own authority contrive and frame a new and unusual Oath, by the purport whereof among many other things, the party taking the said Oath, was to swear that he should not protest against any of his Majesties Royal Commands, but submit themselves in all Obedience thereunto. Which Oath he so contrived to enforce the same on the Subjects of the Scottish Nation, inhabiting in Ireland, and out of a hatred to the said Nation and to put them to a Discontent with his Majesty, and his Government there, and compelled divers of his Majesties said Subjects there to take the said Oath, some he grievously Fined and Imprisoned, and others he destroyed and Exiled, and namely the 10th of October, Anno Dom. 1639. he fined Henry Steward and his Wife, who refused to take the said Oath, 5000 pounds apiece, and their two Daughters and James Gray, 3000 pounds apiece, and Imprisoned them for not paying the said Fines. The said Henry Steward's Wife and Daughters, and James Gray, being the Kings Liege People of the Scottish Nation; and divers others he used in like manner: And the said Earl upon that occasion did declare, That the said Oath did not onely oblige them in point of Allegiance to his Majesty, and acknowledgment of his Supremacy only, but to the Ceremonies and Government of the Church established; or to be established by his Majesties Royal Authority; and said, That the refusers to obey, he would prosecute to the blood.

20. That the said Earl in the 15 and 16 Years of his Majesties Reign, and divers years past, laboured and endeavoured to beget in his Majesty an ill Opinion of his Subjects, namely, those of the Scottish Nation, and divers and sundry times, and especially since the Pacification made by his Majesty with his said Subjects of Scotland in Summer, in the 15th Year of his Majesties Reign; he, the said Earl did labour and endeavour to persuade, incite, and provoke his Majesty to an Offensive War against his said Subjects of the Scottish Nation: And the said Earl by his Counsel and Endeavours hath been and is a principal and chief Incendiary of the War and Discord betwixt his Majesty and his Subjects of England and the said Subjects of Scotland, and hath declared and advised his Majesty, That the Demand made by the Scots in this Parliament were a sufficient cause of War against them.

The said Earl having formerly expressed the height and rancor of his mind towards his Subjects of the Scottish Nation, viz. the tenth day of October, in the 15 year of his Majesties Reign, he said that the Nation of the Scots were Rebels, and Traytors, and he being then about to come to England, he then further said, That if it pleased his Master (meaning his Majesty) to send him back again, he would root out of the said Kingdome (meaning the Kingdom of Ireland) the Scottish Nation both root and branch.

Some Lords and others, who had taken the said Oath in the precedent Article onely excepted: and the said Earl hath caused divers of the said Ships and Goods of the Scots to be stayed, seized, and molested, to the intent to set on the said War.

21. That the said Earl of Strafford, shortly after his Speeches mentioned in the last precedent Article, to wit, in the fifteenth year of his Majesties Reign, came into this Realm of England, and was made Lord Lieutenant of Ireland, and continued his Government of that Kingdom by a Deputy: At his arrival here, finding that his Majesty with much wisdom and goodness had composed the troubles in the North, and had made a Pacification with his Subjects of Scotland; he laboured by all means to procure his Majesty to break that Pacification, incensing his Majesty against his Subjects of that Kingdome, and the proceedings of the Parliament there.

And having incensed his Majesty to an offensive War against his said Subjects of Scotland, by Sea and by Land, and by pretext thereof, to raise Forces for the maintenance of that War, he counselled his Majesty to call a Parliament in England, yet the said Earl intended, if the said proceedings of that Parliament should not be such as would stand with the said Earl of Strafford's mischievous designs he would then procure his Majesty to break the same; and by ways of Force and Power, to raise Monies upon the said Subjects of this Kingdom.

And for the encouragement of his Majesty to hearken to his advice, he did before his Majesty and his Privy-Council, then sitting in Council, make a large Declaration,

1641.

that he would serve his Majesty in any other way, in case the Parliament should not supply him.

22. That in the month of March, before the beginning of the last Parliament, the said Earl of Strafford went into Ireland, and procured the Parliament of that Kingdome to declare their assistance in a War against the Scots. And gave directions for the raising of an Army consisting of 8000 Foot, and 1000 Horse, being for the most part Papists, as aforesaid. And confederating with one Sir George Radcliffe, did together with him the said Sir George, Trayterously conspire to employ the said Army for the ruine and destruction of the Kingdome of England, and of his Majesties Subjects, and of altering and subverting of the Fundamental Laws of this Kingdome.

And shortly after, the said Earl of Strafford returned into England, and to sundry persons declared his opinion to be, That his Majesty should first try the Parliament here, and if that did not supply him according to his occasions, he might use then his Prerogative as he pleased, to levy what he needed, and that he should be acquitted both of God and man, if he took some other courses to supply himself, though it were against the will of his Subjects.

23. That upon the thirteenth day of April last, the Parliament of England met, and the Commons house (then being the representative Body of all the Commons in the Kingdome) did according to the trust reposed in them, enter into debate and consideration of the great grievances of this Kingdome, both in respect of Religion, and the publick liberty of the Kingdome, and his Majesty referring chiefly to the Earl of Strafford, and the Archbishop of Canterbury, the ordering and disposing of all matters concerning the Parliament: He the said Earl of Strafford, with the assistance of the said Archbishop, did procure his Majesty by sundry Speeches and Messages, to urge the said Commons house to enter into some resolution for his Majesties Supply, for maintenance of his War against his Subjects of Scotland, before any course was taken for the relief of the great and pressing Grievances, wherewith this Kingdom was then afflicted. Whereupon, a demand was then made from his Majesty, of 12 Subsidies, for the release of Ship-money only; and while the said Commons then assembled (with expressions of great affection to his Majesty and his service) were in debate and consideration of some supply, before resolution by them made, he the said Earl of Strafford, with the help and assistance of the said Archbishop, did procure his Majesty to dissolve the last Parliament, upon the 5 day of May last: and upon the same day the said Earl of Strafford did Treacherously, Falsely, and Maliciously endeavour to incense his Majesty against his loving and faithful Subjects, who had been Members of the said House of Commons, by telling his Majesty, they had denied to supply him. And afterward upon the same, did Treacherously and Wickedly Counsel and Advise his Majesty to this effect, viz. That having tried the affections of his People, he was loose and absolved from all rules of Government, and was to do every thing that power would admit, and that his Majesty had tried all ways and was refused, and should be acquitted both of God and man, and that he had an Army in Ireland (meaning the Army above mentioned, consisting of Papists, his dependants as is aforesaid) which he might imploy to reduce this Kingdom to obedience.

24 That in the same month of May, he the said Earl of Strafford, Falsely, Treacherously, and Maliciously, published and declared before others of his Majesties Privy-Council, that the Parliament of England had forsaken the King, and that in denying to supply the King, they had given him the advantage to supply himself by other ways: and divers other times he did Maliciously, Wickedly, and Falsely publish and declare, that seeing the Parliament had refused to supply his Majesty in the ordinary and usual way, the King might provide for the Kingdome in such ways, as he should hold fit, and that he was not to suffer himself to be mastered by the frowardness of the People.

And having so maliciously slandered the said House of Commons, he did with the help and advice of the said Archbishop of Canterbury and the Lord Finch, late Lord Keeper of the Great Seal of England: cause to be printed, and published in his Majesties name, a false and scandalous book entituled, his Majesties Declaration of the causes that moved him to dissolve the last Parliament, full of bitter and malicious invectives, and false, and scandalous aspersions against the said House of Commons.

25. That not long after the dissolution of the said last Parliament, (viz. In the months of May and June) He the Earl of Strafford, did advise the King to go on rigorously in levying the Ship-money, and did procure the Sheriffs of several Countries to be sent for, for not levying the Ship-money, divers of which were threatned by him to be sued in the

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Star-Chamber, for not levying the same, and divers of his Majesties loving Subjects were sent for and imprisoned by his advice, about that and other illegal payments.

And a great loan of a hundred thousand pounds was demanded of the City of London, and the Lord Mayor, and the Aldermen and the Sheriffs of the said City, were often sent for by his advice to the Council Table, to give an account of their proceedings in raising of Ship-money, and furthering of that loan, and were required to certify the names of such Inhabitants of the said City as were fit to lend, which they with much humility refusing to do, he the said Earl of Strafford did use these or the like Speeches: viz. That they deserved to be put to Fine and Ransome, and that no good would be done with them, till an example were made of them, and they were laid by the heels, and some of the Aldermen hanged up.

26. That the said Earl of Strafford by his wicked Counsel having brought his Majesty into excessive charges without any just cause, he did in the month of July last (for the support of the said great charges) counsel and approve two dangerous and wicked Projects: viz.

To seize upon the Bullion, and the money in the Mint.

And to imbase his Majesties Coyn with the mixtures of Brasse.

And accordingly he procured One hundred and thirty thousand pounds, which was then in the Mint, and belonging to divers Merchants, Strangers, and others, to be seized on, and stayed to his Majesties use. And when divers Merchants of London, owners of the said Bullion, came to his house to let him understand the great mischief, that course would produce here, and in other parts what prejudice it would be to the Kingdome, by discrediting the Mint, and hindring the importation of Bullion; he the said Earl told them, That the City of London dealt undutifully and unthankfully with his Majesty; and that they were more ready to help the Rebel than to help his Majesty: and that if any hurt came to them, they may thank themselves; and that it was the course of other Princes to make use of such Moneys to serve their Occasions.

And when in the same Month of July, the Officers of his Majesties Mint came to him and gave him divers reasons against the imbasing the said money, he told them, that the French King did use to send Commissioners of Horse with Commission to search into mens Estates, and to peruse their accounts, so that they may know what to levy of them by force, which they did accordingly levy: and turning to the Lord Cottington, then present, said; That this was a point worthy his Lordships consideration.

27. That in or about the Month of August last he was made Lieutenant General of all his Majesties Forces in the Northern parts against the Scots, and being at York, did in the Month of September by his own authority, and without any lawful warrant, impose a Tax on his Majesties Subjects in the County of York of eight pence per diem, for maintenance of every Soldier of the Trained bands of that County, which Sums of Money he caused to be levied by force. And to the end to compel his Majesties Subjects out of fear and Terrour to yield to the payment of the same, He did declare that he would commit them that refused the payment thereof, and the Soldiers should be satisfied out of their Estates; and they that refused it, were in very little better condition than of High-Treason.

28 That in the Month of September and October last, he the said Earl of Strafford, being certified of the Scottish Army coming into the Kingdome, and he the said Earl of Strafford being Lieutenant General of his Majesties Army, did not provide to the defence of the Town of New-Castle, as he ought to have done, but suffered the same to be lost, that so he might the more incense the English against the Scots.

And for the same wicked purpose, and out of a malicious desire to ingage the Kings Kingdoms of England and Scotland in a National and Bloody War, he did write to the Lord Conway the General of the Horse, and under the said Earls command, that he should Fight with the Scottish Army at the passage over the Tyne, whatsoever should follow; notwithstanding that the said Lord Conway had formerly by Letters informed him the said Earl, that his Majesties Army then under his command, was not of force sufficient to encounter the Scots, by which advice of his, he did contrary to the duty of his place betray his Majesties Army then under his command, to apparent danger and loss.

All and every which Words, Counsels and Actions of the said Earl of Strafford Traiterously and contrary to his Allegiance to our Sovereign Lord the King, and with

1641.

an intention and endeavour to alienate and withdraw the hearts and affections of the Kings Liege People of all his Realms from his Majesty, and to set a division between them, and to ruine and destroy his Majesties said Kingdoms. For which they do further impeach him the said Thomas, Earl of Strafford, of High Treason against our Sovereign Lord the King, his Crown and Dignity.

To which, the Earl according to the Order of the House of Lords, prefixing the 23 of February for that purpose, being brought to their House gave in his Answer in two hundred Sheets of Paper; an abstract whereof as I find it in Mr. Rushworth's Trial of Thomas Earl of Strafford, is here subjoined.

The Answer
of Tho. Earl of
Strafford to the
28 Articles of
the Commons
Feb. 23.

TO the First Article, he saith, He conceives that the Commission and Instruction differ not from those formerly granted, but refers to them, and that such Alterations and Additions as were made, were (for ought he knoweth) rather for the explanation than for the enlarging of the Jurisdiction, the Care whereof was left to the Secretary of that Council, and to the King's Learned Council, to be passed for the good of the King's Service, and the Publick Welfare of that Province; for Legality of the Proceedings, divers eminent Lawyers were joyned with the President, who, for the Legal parts, was by them to be directed. He did not advise or procure the enlargement of the Commission and Instructions, and he believeth nothing hath been practiced since, that was not in former Times, contained in former Commissions, under general words. He believeth Sir Conyers Darcy was lawfully Fined for Misdemeanors, as a Justice of Peace; and hath heard, he being in Ireland, that Sir John Boucher was Fined for some great Abuse at the Kings being at York, going into Scotland to be Crowned; to the Proceedings he refers himself. He denies that he hath done any thing by that Commission or Instruction, other than he conceived he might by virtue thereof lawfully do.

The little Fin-
ger of the Law.

To the Second Article, He denieth the speaking of those words, but saith, That 30, 40 *l.* or more, being returned as issues out of the Exchequer, against some that had compounded for Knighthood, for 10 *l.* or 20 *l.* so as the issues far exceeded the Composition, and yet would next time have been increased. The said Earl upon this occasion said, That now they might see, that the little Finger of the Law was heavier than the King's Loins, which he spake to nourish good Affections in them towards His Majesty, and not to threaten or terrifie any, as the Article is supposed,

Ireland a Con-
quered Nation.

To the Third Article, he saith, Ireland is not Governed by the same Laws that this Kingdom is, unless it be meant by the Common Laws, their Customs, Statutes, Execution of Martial Laws, Proceedings at Council-Board very much differ, they spake not the words in the Article to any such intent; He saith, It might be fit enough for him to remember them of the great Obligation they had to the King and His Progenitors, that suffered them, being a Conquer'd Nation, to enjoy Freedom and Laws as their own people of this Kingdom; and it might be, that upon some such occasion, he said to those of Dublin, That some of their Charters were void, and nothing worth, and did not bind His Majesty farther than He pleased, which he believes to be true, having been formerly so informed by His Majesties Learned Council upon sundry occasions.

Lawyers not
to dispute the
Orders of the
Council-
Board, in the
Earl of Cork's
Case.

To the Fourth, he saith, That the legal and ordinary Proceeding at Council-Table are, and time out of mind have been by Petition, Answers, examination of Witnesses, as in other Courts of Justice concerning British Plantations, the Church and Cases hence recommended by the King, for the time being, and in Appeals from other Courts there; and the Council-Board have always punished Contempts to Orders there made, to Proclamations, and Acts of State, by Fine and Imprisonment. He saith, That it might be, he told the Earl of Cork, that he would Imprison him if he disobeyed the Orders of the Council-Table, and that he would not have Lawyers dispute or question those Orders, and that they should bind, but remembreth not the Comparison of Acts of Parliament; and he hath been so far from scorning the Laws, that he hath endeavoured to maintain them; the Suit against the Earl, in the Castle-Chamber, was concerning the Possessions of

of the Colledge of *Youghall*, worth 6 or 700 *l.* which he had endeavoured to get, by causing of unlawful Oaths to be taken, and very undue means, the matter proceeded to Examination and Publication of Witnesses, and after, upon the Earl of *Cork*'s humble Suit, and payment of 15000 *l.* to His Majesty, and his acknowledgment of his Misdemeanors, obtained a Pardon, and the Bill and Proceedings were taken off the Files; and he remembers not any Suit for breach of any Order made at Council Table.

To the Fifth, he saith, The Deputies and Generals of the Army have always executed *Martial Law*, which is necessary there; and the Army, and the Members thereof, have been long time Governed by printed Orders, according to which, divers, by Sentence of the Council of War, have formerly been put to death as well in the time of Peace as War. The Lord *Mountnorris*, being a Captain of a Company in the Army, for mutinous words against the said Earl, General of that Army, and upon two of those ancient Orders was proceeded against by a Council of War, being the Principal Officers of the Army, about twenty in number, and by them, upon clear Evidence, Sentenced to Death, wherein the said Earl was no Judge, but laboured so effectually with His Majesty, that he obtained the Lord *Mountnorris*'s Pardon, who, by that Sentence, suffered no personal hurt or damage, save about two days Imprisonment. And as to the other Persons, he can make no Answer thereunto, no particulars being described.

To the Sixth, he saith, The Suit had depended many years in *Chancery*, and the Plaintiff Complaining of that delay, the said Earl, upon a Petition, (as in such Cases hath been usual) calling to him the then Master of the Rolls, the now Lord Chancellor, and the Chief Justice of the *Common-Pleas*, upon the Proofs in the *Chancery*, decreed for the Plaintiff, to which he refers himself, and it may be the Lord *Mountnorris* was thereupon put out of his Possession.

To the Seventh, he saith, His Majesty being intitled to divers Lands, upon an Inquisition found, Proclamation was made, That such as Claimed by Patent should come in by a day, and have their Patents allowed, as if they had been found in the Inquisition, and accordingly divers were allowed. The Lord *Dillon* produced His Patent, which being questionable, he continued, and desired that a Case might be drawn, which was drawn by Counsel, and argued, and the Judges delivered their Opinions, but the Lord *Dillon*, nor any other, were bound thereby, or put out of Possession, but might have traversed the Office, or otherwise legally have proceeded, that Case or Opinion notwithstanding.

To the Eighth, he saith, That upon Sir *John Gifford*'s Petition to the King, His Majesty referred it to the Deputy and Council of *Ireland*, where the matter proceeding legally to a Decree against the Lord *Lofius*, and upon his Appeal, that Decree, by his Majesty and his Council of *England*, was confirmed, to which Decree and Order he refers himself, believing the Lord *Lofius* was committed for disobeying that Decree, and for continuance in contempt committed close Prisoner. He saith, That the Lord *Lofius* having committed divers Contempts, the Council by Warrant required him to appear at the Board, and to bring the Great Seal with him; which Order he disobeyed, and was shortly after Committed, and the Great Seal was delivered up by his Majesties express Command, and not otherwise. And an Information was exhibited in the *Star-Chamber*, for grievous Oppressions done by the Lord *Lofius*'s Chancellor, whereof he was so far from justifying, as that he submitted, desiring to be an Object of his Majesties Mercy, and not of his Justice.

The Earl of *Kildare* for not performing of an Award made by King *James*, and of an Award made in pursuance thereof, by the said Earl of *Strafford*, upon a Reference from His Majesty, was by the Deputy and Council Committed, and a Letter being unduly obtained, he did not thereupon enlarge him; but upon another Letter, and submission to the Orders, as by the King was directed, he was enlarged.

The Lady *Hibbotts*, and one *Hoy* her Son, having upon a Petition, Answer, Examination of Witnesses, and other Proceedings at Council-Board, been found to have committed foul abuses by Fraud and Circumvention, to have made a Bargain with the Petitioner *Hibbotts*, for Lands of a great value, for a small sum of Money, was Ordered to deliver up the Writing, no Assurances being perfected, or Money paid, and it's like he threatned her with Commitment if she obeyed

I 6 4 1.

Lord *Mountnorris* sentenced to suffer death by *Martial Law*.

The Lord *Mountnorris* put out of Possession.

Lord *Dillon* his Patent questioned.

The Lord *Lofius* close Prisoner, not delivering the Great Seal.

The Earl of *Kildare* Committed.

1641.

obeyed not that Order, but denieth that the Lands were after sold to Sir Robert Meredith to his use, or that by any Order by himself made, any one hath been Imprisoned concerning Frecholds, but for debts and personal things, as some have been used by all his Predecessors in like Causes.

To the Ninth, he saith, Warrants to such Effects have been usually granted to the Bishops in *Ireland*, in the times of all former Deputies; but the Earl not satisfied with the conveniency thereof, refused to give any such Warrants in general to the Bishops as had been formerly done; but being informed that divers in the Diocess of *Down* gave not fitting Obedience, he granted a Warrant to that Bishop, whereto he referreth, which was the only Warrant he granted of that Nature, and hearing of some Complaints of the Execution thereof, he recalled it.

To the Tenth, he saith, The Lord Treasurer *Portland* offered the Farm of the Customs for 13000 *l. per annum* in some particular Species, but the Earl of *Stratford* advanced the same Customs to 15500 *l. per annum*, and 8000 *l. Fine*, and by His Majesties Command became a Farmer at those Rates proposed, without addition to those Rates, as by the printed Books 7 *Car. Regis* may appear; he dissuaded the advance of Rates lately proposed by Sir *Abraham Dawes*, so as it was declined; the Rates of Hydes and Wooll are moderate, consideration being had of their true value, and of the Places whereto they are to be transported, and of the Statute made in the time of Queen *Elizabeth*, and there in force, prohibiting the Exportation of Wooll, unless they pay to the Crown 5 *s.* the Stone; the Trade and Shipping of that Kingdom are exceedingly increased.

To the Eleventh, he saith, Pipe-staves were prohibited in King *James's* Time, and not Exported, but by Licence from the Lord Treasurer of *England*, or Lord Deputy of *Ireland*, who had 6 *s.* 8 *d.* a 1000, and his Secretary 3 *s.* 4 *d.* for the Licence; but to restrain that destruction of Timber, by Command of His Majesty, and Advice of His Council, for His Revenue in *Ireland*, first 30 *s.* then 3 *l.* the money was paid to His Majesty, who hath thereby about 1500 *l. per annum* and his Lordship lost about 4 or 500 *l. per annum*, which his Predecessors had for such Licences. This is paid by the Transporter, not by the Natives, whose Commodity nevertheless appears by the Article to be very much increased.

To the Twelfth, he saith, The Subsidies there are an Inheritance in the Crown by Act of Parliament, 6 *d.* was paid for Subsidy, and 1 *s.* 6 *d.* for Impost upon every pound of Tobacco, and Farmed 10 or 20 *l. per annum*, the Commons in Parliament, 10 *Car. Regis*, finding the Revenue to be short of the Expence of that Kingdom 24000 *l. per annum*, Petitioned, those Grants might be applied to increase His Majesties Revenue, without calling upon the Subject, but upon urgent Occasions: Hereupon upon the Advice of the Committee of the Revenue; and in consideration of a Proclamation made in *England*, several Proclamations were made, and this settled in a way, till it could be confirmed by Parliament, for which purpose a Bill is transmitted, according to the desire of the Commons, and the Impost of Tobacco is Let to Contractors for eleven years, at 5000 *l. per annum* for the first five years, and 10000 *l. per annum* for the other six years, and the Earl hath lent money to forward the business, and by His Majesties Allowance is a Partner, but hath not as yet in two years last past had any Accompts thereof, or made benefit thereby. He knoweth of no whipping, or other punishment; the Farmes of the Customs are better than formerly, 2000 *l. per annum*, five 8 parts whereof is yearly paid unto His Majesty; the prices of Tobacco exceed not 2 *s.* or 2 *s.* 4 *d.* the pound, the settling of that Revenue, according to the Petition of the Commons, he hath not raised, or countenanced any Monopolies, but opposed the same.

To the Thirteenth, he saith, He endeavoured to advance the Manufacture of Linnen rather than of Woollen-Cloth, which might prejudice that Trade here; he bought Flax-seed in the *Low-Countries*, and sold it at the same Rate to such as desired it, they making their Cloaths not above a Foot broad, and winding 8 or 10 threads from several bottoms together; the contrary was twined, their Flax formerly not above a Foot, became a yard in length, and that soil is fit to bear it, and the People love such easie Works; He hath set up many Looms, made much Cloth, and sold it to the loss of some Thousands of pounds; but when the State saw the Natives would not change their old Courses for new and better, the Proclamation

clamation was declined. What he did was for the Publick Good, and had nothing from them that was not fully paid for.

To the Fourteenth, he saith, He refers to the Oath and Proclamation, which was set forth by the said Earl and Council of State there, at the instance of the Farmers of the Customs, towards the defrauding of the King's Duties being in *France*, whereof His Majesty had five eight parts: He never heard any Complain of the Oath, or of any that refused to take it, and conceived it to be lawful, divers of the Council approving it, being Learned Judges of the Law, to whose judgment, for the legality, he submitted, as well in that as to other matters of like nature

To the Fifteenth, He denieth what is in the Article Objected, but saith, That about the Year 1626. certain Agents authorized in *Ireland*, were sent into *England*, and offered and agreed to pay to His Majesty 120000 *l.* in Six Years, towards the maintenance of his Army, and a like payment of 20000 *l. per annum*, was after agreed, and continued for Three Years longer; the Assessments were made, and it was shortly after, by them and the Lord *Faulkland* then Deputy, agreed in *Ireland*, that the Money should not be charged upon Record, but levied by Captains, by Paper-Assignments, upon Warrants from the Lord Deputy; and this course was held four Years in the Lord *Faulkland's* time, and the four years wherein the Lord *Lofius* and the Earl of *Cork* were Lords Justices there; and it held for the remaining year only, after the Earl of *Strafford* came thither; but the Earl of *Cork* having spared those Towns for the benefit of himself and Tenants during the time of his being Justice: The Earl of *Strafford* reduced the Assessments to what it was made by the Lord *Faulkland*, and gave way that Sir *William St. Lieger*, Lord President of *Munster*, to take the same Arrerages, in satisfaction of a Debt due unto him by His Majesty, and he is confident no force was used in levying the same: It hath been usual to lay Souldiers to levy that Contribution, to send Souldiers to apprehend Contemnners of Orders made at Council-Board, and the like; and when Out-Laws and Rebels have been in the Woods, no Souldiers have in his time been laid, but by the Advice of the Council there. Touching the *Castle-Chamber*, it's a parcel of the Territory of *Ideough*, whereto the King was Intituled by Inquisition, and the Possession established in a Legal way, when the said Earl was in *England*, and no Souldiers were sent, but only 12 at the intreaty of Mr. *Wanesford*, for security of his Houses and Plantations against Rebels that then were out, and burned and spoiled Houses thereabouts; and neither *Richard Butler's*, or any other Family were thence expelled by the said Earl from their Estates.

To the Sixteenth, he saith, There was such a Proposition which was just, to prevent clamorous Complaints here, which there might be redressed; but conceives that by the Laws there, and the Articles known since (by the name of the Articles of Grace made about Fourteen Years since) none ought to depart that Kingdom without Licence.

Thereupon, the Advice of the State, the Proclamations were set forth, but not with such intent as in the Article.

He denied Licence only to Three, the Earl of *Cork*, the Lord *Mount-Norris*, and Sir *Frederick Hamilton*; To the two former, in regard of Criminal Suits then against them in the *Castle-Chamber*; To the other, by special Command from His Majesty; but so soon as Sir *Frederick* said he would Complain of the Earl, he made Suit to His Majesty, That Sir *Frederick* might come over, which was granted; He conceives such restraint to be necessary, and if that it be not continued, it will prove of Evil Consequence to that Kingdom.

Parry was questioned at the Council-Board for Misdemeanors, and to avoid Sentence, secretly went out of the Kingdom; and at his return, for that and other Offences, was Fined and Imprisoned, to the Sentence thereof he refers, and knows of no other that were Imprisoned, as by the Article is Charged.

To the Seventeenth, he saith, It's like he might say (for the better encouragement of the Officers and Souldiers of the Old *Irish* Army, in discharge of their several Duties) that His Majesty was so well satisfied in the way and pains they took in using and practizing of their Arms, that in that Point he would set them as a Pattern to be imitated; and conceives it would not be ill if they were so, they being

1641.

ing in the Opinion of those that have seen them Exercise, very Able and Expert Souldiers; he spake not other words, or to other purpose.

To the Eighteenth, he saith, When the Earl of *Cork* was one of the Lords Justices, he seized some Houses in *Dublin*, pretending they belonged to Jesuits and Fryers, without Legal Proceedings, which, upon Suits prosecuted at Council-Board, were, according to Justice, restored to the Owners; but how since employed the Earl of *Strafford* knoweth not, but endeavoured the utmost he could to maintain that Seizure. Touching the 8000 men, he saith, They were raised according to the King's Warrant, and that the said Earl left the Care thereof to the Earl of *Ormond* and others, and what number are *Protestants*, what *Papists*, he knoweth not, but believeth such a Body cannot be there raised, without many *Papists*; the greatest number of the Captains and Officers are *Protestants*, chosen by the said Earl. The 1000 man were drawn out of the Old, to make Officers for the New Army, and believeth the 1000 put to the Old Army are *Protestants*, in regard by his express Order no *Papist* is to be admitted there a Common Soldier. He never preferred any Captain, Lieutenant or Ensign to be of that Army that was a *Papist*, and conceives they are duly paid; and believes those newly raised exercise the Religion no otherwise than was practised before the Earl's coming thither: He was a Commissioner to Compound with the Recusants for their Forfeitures, and endeavoured to be informed of the utmost value of their Estates; in four years he brought that Revenue from 2300 *l.* to be between 11 and 12000 *l. per annum*, more than ever was raised formerly in so short a time, by which faithful dealings, for His Majesty, he procured the hard Opinion of the Recusants throughout the Kingdom; that out of those Compositions he hath paid near 100000 *l.* into the Exchequer; and they had no other Priviledges than what was exercised in the Commission, and in former like Commissions, and as are in the present Commission to the Lord Treasurer, and others.

To the Nineteenth, he saith, The last Summer was twelve months, when the *English* and *Scotch* lay in the Fields near *Berwick*, the Earl and Council of *Ireland* having a general motion thereof, were in fear that the *Scots* in *Ulster* (being almost 100000 in number) might be drawn to side with the Covenanters, and advising how to secure that Kingdom, the Principal of the Nation of *Scotland*, living in *Ireland*, came to *Dublin* and Petitioned, That he might have an Oath whereby they might give Testimony of future Obedience to His Majesty; whereupon an Oath was by the Advice of Council of State framed, and cheerfully taken by those *Scotch* Gentlemen, and generally by all the Nation in *Ireland*, as the Earl conceives to their advantage, and the satisfaction of others; he believes that some were Sentenced for refusing it, but none were otherwise exiled. The Earl in his Vote said, That he would endeavour, that all of that Nation should take that Oath, or leave the Kingdom, all which was done by His Majesties Direction and Approbation; and it was not contrived to the intents in the Article Charged, but to prevent their adhering to the Covenanters then in open Arms, and not concerning the Ceremony or Government of the Church.

To the Twentieth, he saith, That in the Year 1638. the Earl was in *Ireland*, when Preparations were made for War, and Summons sent to the Nobility of this Kingdom: In the Year 1639. a General was appointed, and an Army drawn to the Field, and Encamped near *Berwick*, whereby it appears he was not acquainted that the Article of Pacification had been broken on both Sides, and so distempered, that it was held fit an Army in *England* should be raised, to suppress the Covenanters, if the business could not with Honour and Safety be otherwise composed. The said Earl humbly advised His Majesty to call a Parliament, and used many Motives thereunto; after the Parliament was called, and before the Sitting thereof, ten of the Lords, and other of the Council for Forreign Affairs, being assembled, His Majesty then present, an Honourable Person related the Covenanters Demands; it was then Voted by all, That they were such as might not in Honour and Safety be condescended unto by His Majesty; and if they could not be otherwise reduced, His Majesty must be constrained to bring them to it by force; the like Resolution was after at the Council-Table by twenty of the Council: Whereupon His Majesty appointed a Council of War, and it was held necessary to borrow 200000 *l.* upon good Security, till the Supplies by the Parliament

liament might come in. He never said the *Scotch* Nation were Rebels, but was ever perswaded that many of them are most Loyal Subjects.

Those that raised Arms, when they were at such distance from His Majesty, he might say they were no less than Rebels and Traytors; by Warrant from the Lord Admiral, he caused divers Ships and Goods to be seized, but not with an intent to set on the War, but as much as in him lay to bring all to fair Accommodation, without expence of blood.

To the 21th, he saith, The pacification was broken before he came over, as in the Answer to the former Article he moved His Majesty for a Parliament in *England*, but not with such intent as in the Article, but out of a desire to have settled a right Understanding between the King and His people. It may be, he said, (though he remembreth it not) that if the Parliament would not Supply His Majesty, he would serve His Majesty in any other lawful way; being well assured that His Majesty would not imploy him, nor any man else, in any other kind.

To the 22th, he saith, According to His Majesties Instructions, he did set forth to the Parliament of *Ireland*, the State of the Affairs as they then stood, and they freely gave four Subsidies, as an acknowledgment of His Goodness and happy Government, as by the Act and Remonstrance appears in Print; He, by His Majesties Direction, then gave Order for the raising of 8000 Men, who still remain in the King's pay, and were sent into *Ulster* to secure those Parts, or to land in *Scotland*, to divert the Earl of *Argile*, in case he joyned with the Covenanters Army against the King; but it was mentioned in the King's Letter, 2, *Martii*, 1639. he had purposely given out, That they should join with the King's Army at *Berwick*, to colour other Designs; but the true cause of their Levying was made known to be as aforesaid unto the Earl of *Ormond*, Sir *John Bwllace*, and the Marquiss of *Hamilton*, and Earl of *Northumberland*, at the time of the writing the Letter, and he denies the words charged in the Articles, or any other words to such intent and purpose.

To the 23th, he saith, The matters of the Parliament were no otherwise referred to him, than to the rest of the Council, that coming sick from *Ireland* about ten days after the Parliament were set, and after the Treaty with the Earl of *Dunfermline*, Lord *Lowdon*, *Scotch* Commissioners, was broken off, and the Army preparing, and the Parliament not supplying Monies as His Majesty desired; His Majesty advised what might move them to prefer His Supply; in debate whereof, he humbly advised His Majesty, by a Message to the House, to lay down Ship-Money, and promise never to demand it, and give way to reverse the Judgment by a Writ of Error in Parliament, and to promise a Redress of Grievances when they should be prepared. And secondly, That they would presently agree upon such Supply as should maintain His Army, for reducing the *Scots* to their Obedience, wherein their Safety and His Honour was concerned: His Majesty assented conditionally, that he might have 12 Subsidies; the Earl besought Him that it might not pass as a Condition, but to Relinquish Ship-Money, and put himself upon their Affections, and drew up the Message in Writing, and delivered it to Mr. Secretary *Vane* to deliver to the House of Commons: He desired to know if His Majesty would not take less than 12, His Majesty Answered, He feared less would not serve His Occasions; The Earl of *Strafford* besought His Majesty to accept of Eight, so His Majesty assented, and desired Mr. Secretary to signifie so much, as occasion should be offered; but whether he did so or not the said Earl knoweth not. The House of Commons being in debate two days, and not Resolving, His Majesty about the 5th of *May* last called a Council at Seven of the Clock in the Morning, the said Earl being sick, came late, and was told, (as he remembreth) by the Earl of *Barkshire*, the King had declared His Resolution to Dissolve the Parliament; the Earl of *Strafford* besought His Majesty to hear the Advice of His Council, and first of those that were Members of the House of Commons, by whom the rest might the better be guided: Mr. Secretary *Windbank* said, He feared the House would first be Answered of their Grievances, and Voted for a Breach of the Parliament. Mr. Secretary *Vane*, in opposite terms, said, That there was no hope that they would give the King a Penny, and therefore absolutely Voted for a Breach. And the Earl of *Strafford* conceiving His Majesties Pleasure to have accepted Eight Subsidies, had been delivered to the

1641.

House of Commons by Mr. Secretary *Vane*, did, in His Majesties turn, deliver his Vote for Breach of the Parliament, which otherwise he would not have done; it being contrary to what he Resolved when he came thither, and like Opinion was delivered by the rest of the Lords, being about twenty, except two or three at the most. The Parliament being Dissolved, His Majesty desired Advice of His Council, How money might be raised, affirming, That the *Scotch* Army was ready to enter into the Kingdom; The said Earl, in presence of others in the Council, delivered his Opinion, That in a Case of absolute and unavoidable necessity, which neither would nor could be prevented by ordinary remedies, provided by the Laws, nor all His Majesties other means sufficient to defend the Commonwealth Himself, or their Lives and Estates from an Enemy, without force of Arms, either actually entred, or daily expected to Invade the Realm; He conceived that His Majesty was absolved from ordinary Rules, and might use (in as moderate a way the necessity of the Cause would permit) all ways and means for defence of Himself and Kingdom, for that he conceived in such extremity, *Salus Populi* was *Suprema Lex*, provided it were not colourable, nor any thing demanded imployed to other use, nor drawn into Example, when Law and Justice might take place; and that when Peace was settled, Reparation was to be given to particular men, otherwise it would be unjust. This was not officiously declared but in Council, forced by the duty of the Oath of a Counsellor, which is, that he shall in all things to be moved, treated and debated in Council, faithfully and truly declare his Mind and Opinion according to his Heart and Conscience; which Oath the said Earl took, and humbly prays their Lordships Consideration thereof; He denieth the words in the Article, or any words to the intent thereby expressed.

To the 24th, he saith, He delivered his Opinion with such Cautions and Restrictions, as in the Answer to the Precedent Article, and is well assured his Discourse at all times hath been without ill Intentions to either of the Houses of Parliament, which he ever did, and shall think and speak of with all Reverence. He denies that he knew of the Publishing or Printing of the Book, nor who caused it to be Printed or Published, for at that time he was sick in his Bed, more like to die than to live.

To the 25th, he saith, Ship-Money was levied, and adjudged to be due, before his coming over. Sheriffs were then called up as before, and not otherwise. If any were sued in *Star-Chamber*, it was without any particular indeavour of his: It appearing at the Board, That the Mayor and Sheriffs of *London* had been slow in Collecting Ship-Money, he said, They were but Ministerial, and ought to Exact, and not dispute the King's Writs, and that if through their remissness the King should be less able to provide for the Publick Safety, when any Forreign Army was ready to enter the Kingdom, they might deserve to be Fined and Ransomed; which he spake more to hasten them, than of purpose to advise any such Prosecution; but denies the other words, being, under favour, such Expressions as he is not accustomed unto.

To the 26th, he saith, He advised not either of those Projects (being then sick in Bed) but it being debated at the Council-Table, Whether it were better for the King to raise Gold and Silver, or Coin base Money? He (for the Reasons then given) delivered his Opinion for the latter. Sundry Merchants Adventurers coming to his house, desired him to move His Majesty, then at *Oatlands*, to Release the Bullion, or Money; he told them, He knew of no such thing, and would not meddle with it; nor would his Health permit him to go abroad, and said, That if their denying the King in such a Publick Danger, the Loan of 100000*l.* upon good Security, the King were constrained, for the Preservation of the Land, to stay the Bullion, they might thank themselves; and the City receiving so great a benefit by Residing amongst them, they made but an unthankful acknowledgment in such a Straight, to refuse the Loan of that Sum. The Officers of the Mint came to the Council-Board, and the Earl then shewed a Letter, he received from the Earl of *Leicester*, wherein was related, That the Cardinal had appointed Commissioners to go into the Merchants houses at *Paris*, to peruse their Shop-Books and Accompts, and to Cess every man, according to his Ability, towards the payment of the King's Army, and then said, That it was but just for Us here in *England*, to bless God for being under a King which could not

not think upon such a Pressing upon the People. But the words in the Article, or words to any such intent, he did not speak, and cannot sufficiently bemoan himself to have been in all his words so ill understood, or so untruly Reported as he hath been.

I 64 I.

To the 27th, he saith, He perswaded the Gentry of that Country, to allow the *Trained-Band* a months Pay, which they yielded, and His Majesty graciously accepted. It was by Council of War (His Majesty being present) thought fit the *Trained-Bands* should return, save the two Regiments under the Command of Sir *William Pennyman* and Sir *Thomas Danby*. It was assented unto by His Majesty, and the great Council of the Peers then Assembled, That those spared should Contribute, and the said Earl was Commanded by them to see it done; which was done accordingly by Warrants from him and from his Deputy-Lieutenants, which was much less Charge to the Countries than otherwise, and denies the other particular in the Article mentioned.

To the 28th, he saith, He was Lieutenant-General to the Earl of *Northumberland*, about the 24th of *August*, of 10 or 12000 Foot and 2000 Horse, being at *New-Castle* under the Command of the Lord *Conway* and Sir *Jacob Ashley*, and the rest of the Army at *York*; the said Earl went from *London*, and the 26th of *August*, notwithstanding his extream weakness, and came to *York*; and having received a Letter from Sir *Jacob Ashley*, that *New-Castle* was Fortified, and that they must be Infamous Beasts to lose it, and that it was fully Secured; and being acquainted with several Dispatches sent by Mr. Secretary *Vane*, by His Majesties Directions, to the Lord *Conway*, General of the Horse, to oppose the Passage of the *Scots* over the River of *Tyne*, the one dated 22. *Augusti*, the other 23. *Augusti*, another 24. *Augusti*, another 26. *Augusti*, the substance of which Letters are particularly mentioned in the Answer to this Article, and to the same Letters the said Earl referreth himself.

The said Earl, upon sight of this and Sir *Jacob Ashley's* Letter, had reason to believe, that all fitting preparation was made, and then understanding that if the *Scotish* Army should pass the River, not only *New-Castle* altogether Unfortified on the South part, would be lost, but the said Army of 11000 Foot and 2000 Horse endangered; and hearing that the *Scotish* Army were distressed for want of Victuals, and knowing the advantage that was in opposing the passage of such a River. Hereupon the said Earl, by a Letter dated the 27th of *August*, advised the Lord *Conway* with all the Horse, and at least 8000 Foot, and all the Cannon, to March and Fight with them; upon the passage of the River, at which time the said Earl had no Charge of the Army; but the truth is, the Lord *Conway* having not with him all the Horse, and not above 1500 Foot, and only some part of the Cannon, was in a posture to fight for the passage, before the said Letter of advice came, which he received not half an hour before the Fight began, and proceeded according to his own judgment, and His Majesties said general Direction; and afterwards, that is about the 30th of *August*, and not before, the said Earl took upon him the Charge of the Army at *Darlington*, and brought it to *York* to be supplied with Necessaries that they wanted; and purposed to have staid where they were quartered. But hearing from many hands that there was a purpose to question him in Parliament, and His Majesty having given him Liberty of staying there, or coming away, he left the Charge of the Army with the Lord *Conway*, and other Officers, as His Majesty had directed, and came to *London* on *Monday* the 9th, and the 11th of *November* was put under Restraint, and so hath ever since remained. And saith, That the Town of *New-Castle* was no way under his Care; and as to other matters whereto by Law he ought to answer, and hath not answered, he saith, He is not Guilty of them, or any of them, in such manner and form, as in the said Article is expressed, and humbly prayeth a convenient time for making his Proofs, and to justifie and maintain his Actions in *Ireland*, by sight of His Majesties Warrants, Records and Witnesses in that Kingdom, and that if any mistake be in this Answer, it may be amended.

And this the said Earl hopeth, that upon equal Construction of his Words and Actions, he shall appear free from any great and hainous Offences wherewith he is Charged; and howsoever it shall please God to dispose of him, he shall ever pray, that by their Lordships great Wisdoms and Prudence, the Affections of His Majesty, and Duty of His Subjects, may this Parliament be so surely knit to-

I 6 4 I.

Saturday,
March 6.

gether, as may by God's blessing lastingly tend to the Prosperity and Flourishing Estate both of King and People.

Mr. *Whitlock* was Ordered to go to the Lords with this Message, *That the House of Commons have considered of the Earl of Strafford's Answer, and do aver their Charge of High Treason against him, and that he is guilty in such manner and form as he stands Accused and Impeached; and that the House will be ready to prove their Charge against him at such convenient time as their Lordships shall prefix, and intend to manage the Evidence by Members of their own.*

Saturday,
March 13.

After many Debates and Conferences preparatory to the place and manner of the Trial between the Two Houses, they came to these Determinations.

Determinations between the Lords and Commons about the Earl of Strafford's Trial.

First, As to the Place it was agreed, *That it should be Westminster-Hall, and the King to be made acquainted with it by the Lord Great Chamberlain.*

Secondly, For Persons, the Lords agreed, *That the House of Commons should be present as a Committee of the whole House for this time, with a Salvo jure to the Lords House, either according to Law or Parliamentary proceedings, and that this shall not be drawn into President hereafter on either side.*

Thirdly, For the Members of the House of Commons managing the Evidence, the Lords granted it wholly.

Fourthly, For the Earl's Council, *That they should not speak nor interrupt the matter of the House of Commons, until all the Evidence is finished; That they shall not stand at the Barr, but in some other convenient place where they may hear; That they may speak to matter of Law only, and not to matter of Fact, and not unless the Lords shall think fitting and give permission.*

Monday,
March 15.

Upon Monday, the King having been made acquainted with these Resolutions of the Two Houses, was pleased to assent unto them, and to appoint Monday the 22. of March 9. of the Clock for the Time of the Trial; and accordingly the necessary preparations for the Tragical Solemnity were provided, and the Earl had Notice of the Time and Place to prepare himself.

Saturday,
March 20.

The Commons ordered the affair of the Trial in this manner:

First, *That the Members of their House shall sit together without any intermixture of others in the place prepared for them.*

Secondly, *That the Members shall not meet at their House on Munday, but come directly to the place of Trial.*

Thirdly, *That for the better ordering of the Business, the Committee, with the addition of Mr. Peard, shall be at the several Doors by Six of the Clock, and shall admit none into the place prepared for the Commons, but such as shall bring Tickets of their Names and the Places for which they serve; and no Members to be admitted till the Committee appointed to attend the Doors be come; if any either Stranger or Member Offend this Order, the Committee to report it to the House; all the Members to be there by 8. of the Clock.*

Fourthly, *That the Serjeant at Arms shall attend within the Court, and his Men without to be employed in such Service as they who manage the Evidence shall appoint.*

Those

Those who were appointed by the Commons to Manage the Evidence against the Earl, were

George Lord Digby, John Hampden Esq. John Pym Esq. Oliver St. John Esq. Sir Walter Erle, Knight, Jeoffry Palmer Esq. John Maynard Esq. John Glyn Esq.

I 6 4 I

The Managers of the Evidence against the Earl of Strafford.

In the Hall there was a Throne Erected for His Majesty, On each side whereof was a Cabinet inclosed with Boards, and before with Arras. Before that were the Seats for the Lords, and Woolfacks for the Judges; below ten degrees of Seats extending further than the Middle of the Hall for the Gentlemen of the House of Commons; at the End of all, was a Desk closed about and set apart for the Earl and his Council.

The Theatre being thus prepared whereupon this Noble Earl was to act his Tragedy, Upon *Munday, March* the 22. the Trial began, About 7. of the Clock in the Morning the Earl came attended from the *Tower* by 6. Barges, wherein were about 100 Souldiers with Partisans for his Guard, and 50 pair of Oars came along with him. At his Landing in *Westminster* he was attended by 200 of the Train-Bands who Guarded him into the Hall; the Entrances at *White-Hall, Kings-street* and *Westminster*, were Guarded by the Constables and Watchmen from 4. of the Clock in the Morning, to prevent the concourse of base, idle and inferior Degrees of People, who are apt upon such occasions to flock together, and produce mischief and disorders.

Munday, March 22.

The King, the Queen and Prince came to the Hall about 9. of the clock, but did not appear publicquely, only the Prince came out once or twice to the Cloth of Estate, so that the King saw and heard all that passed, but was seen by none: Some give the Reason of this, to proceed from the received Practice of *England* in such Cases: Others were of Opinion, That the Lords intreated his Majesty either to absent himself, or to be there privately, lest hereafter it might give occasion to pretensions, that his being there was to over-aw, or some other ways interrupt the Course of Justice: A third, That the King was not willing to appear as an Actor in the Process till it came to his part, but rather he chose to be present *Incognito*, that he might Observe and understand, whether any Violence, Rigor or Injustice were used in the Trial.

At the Lieutenant's Entrance into the Hall, the Porter of the Hall, whose Office it is, inquired of Mr. *Maxwell*, *Whether the Ax should be carried before him or no?* who answered, *That the King had Expressly forbidden it;* Nor was it ever the Custom of *England* to use that Ceremony, but only when the Party accused was to be put upon his Jury.

At the Trial, the Lords of the Upper House sate Covered, the Members of the Lower House uncovered. The Lords Spiritual were not at all present, having on *Saturday* before absolutely declined appearing in *Causa Sanguinis*, tho' withal Entring a Protestation, That their Absence should not prejudice them of that or any Priviledg appertaining to them as Lords Spiritual in Parliament.

The Earl of *Arundel* who was by His Majesty constituted and appointed Lord High Steward by Commission under the Great Seal of *England*, sate apart by himself, and all things being now in a Readiness, the Managers of the Evidence standing at the Barr, the Noble Prisoner was called for, and being brought by Sir *William Balfour* Lieutenant of the *Tower*, after an Obey-sance given, he came to the Barr and kneeled, and after standing up, the Right Honourable *Thomas* Earl of *Arundel* and *Surrey*, Lord High Steward of *England*, acquainted him, *That his Lordship was called before the Lords*

in

I 6 4 I.

in Parliament, to Answer to, and be Tryed upon the Impeachment presented to them by the Commons House in Parliament, in the Name of themselves and all the Commons of England. And that their Lordships are resolved to hear both the Accusation and Defence with all Equity, and therefore thought fit, that in the first place his Lordship should hear the Impeachment of High Treason read; which was done accordingly, the Articles being delivered in by Mr. Pym.

While it was reading, a Chair was brought for him by the Gentleman Usher, and by the Direction of the Lords, he was permitted to repose himself.

After the Charge, the Earl's Answer was likewise read; which took up the whole time of the First Day.

The Queen went from the House about 11 of the Clock, the King and Prince stayed till the Assembly was Adjourned, which was about Two of the Clock, and the Earl was remanded to the Tower, with his Guard, and appointed to appear again upon Tuesday at 9. of the Clock.

The Confluence of People was neither numerous nor insolent, all of them Saluted him both at his Landing and Return, which with a Generous Humility, he did most courteously receive and return. By which it is Evident how false the Rumors were which Malevolent Persons Raised, that the Populace was so enraged at him, that they would go near to tear him in pieces: The Multitude is an Unruly Animal, but yet certainly Report does in these cases encrease the Danger; and a Tumult is not altogether so insensible of punishment, as not to fear it, notwithstanding Numbers seem to plead an Exemption from it, and to frighten Justice from her Seat. But this sluggish Creature the *Mobile*, is then certainly most Dangerous, when like the Unstable Element it does Resemble, it is raised by the Turbulent breath of Sedition, to overflow the Bounds of Duty, and outrage all that is called Justice; and there wanted not such spirits, who by spreading these Rumors of the Discontents of the People, taught them to be Discontented, and by predicting of Disorders, learnt, at least their own Faction, to know what was Expected from them upon Occasion: and how calm soever the People seemed to be; yet the Conclusion of this Tragedy will make it appear that some Persons had Tumults at Command, and could upon Occasion raise the dangerous Tempest of the Madness of the People, not inelegantly coupled with the Raging of the Sea, by the Royal Prophet.

The Second
Day.
Tuesday,
March 23.

Upon Tuesday in the Morning the Earl came accompanied as before to Westminster, and having stayed in the Exchequer Chamber till 9. of the Clock, the King, Queen and Prince being come, and that High and Illustrious Court being set, he was again brought to the Barr; and the Lord High Steward having commanded the Committee of the Commons who were to manage the Evidence to proceed, Mr. Pym in a large and studied Oration, full of Hyperbolical Figures, and Insulting Eloquence, opened, amplified, and enforced the Charge, by raveling the Answer of the Earl to his Articles of Impeachment in manner following.

My Lords,

WE stand here by the Commandment of the Knights, Citizens and Burgeses now Assembled for the Commons in Parliament, and we are ready to make good that Impeachment whereby Thomas Earl of Strafford stands charged in their Name, and in the Name of all the Commons of England, with High Treason. This, My Lords, is a great

Mr. Pym's
Speech at
the Trial of
the Earl of
Strafford,
March 23.

great Cause, and we might sink under the weight of it, and be astonished with the Lustre of this Noble Assembly, if there were not in the Cause Strength and Vigour to support it self, and to encourage us; It is the Cause of the King, it concerns His Majesty in the Honour of His Government, in the Safety of His Person, in the Stability of His Crown.

It is the Cause of the Kingdom, It concerns not only the Peace and Prosperity, but even the Being of the Kingdom. We have that piercing Eloquence, the Cries and Groans, and Tears, and Prayers of all the Subjects assisting us. We have the Three Kingdoms, England, and Scotland, and Ireland, in Travail and Agitation with us, bowing themselves, like the Hindes spoken of in Job, to cast out their Sorrows.

Truth and Goodness (My Lords) they are the Beauty of the Soul, they are the Perfection of all created Natures, they are the Image and Character of God upon the Creatures.

This Beauty, Evil Spirits, and Evil Men, have lost; but yet there are none so wicked, but they desire to march under the shew and shadow of it, though they hate the reality of it.

This unhappy Earl, now the Object of your Lordships Justice, hath taken as much care, hath used as much cunning to set a face and countenance of Honesty and Justice upon his Actions, as he hath been negligent to observe the Rules of Honesty in the Performance of all these Actions. My Lords, it is the greatest baseness of Wickedness, that it dares not look in his own Colours, nor be seen in its natural Countenance. But Virtue, as it is amiable in all respects, so the least is not this, That it puts a Nobleness, it puts a Bravery upon the Mind, and lifts it above Hopes and Fears, above Favour and Displeasure; it makes it always uniform and constant to it self.

The Service Commanded me and my Colleagues here, is to take off those Vizards of Truth and Uprightness, which hath been sought to be put upon this Cause, and to shew you his Actions and his Intentions, in their own natural Blackness and Deformity.

My Lords, He hath put on a Vizard of Truth in these words, (wherein he says) That he should be in his Defence more careful to observe Truth, than to gain Advantage to himself. He says, He would endure any thing rather than be saved by Falshood.

It was a noble and brave Expression if it were really true.

My Lords, He hath likewise put on the Vizard of Goodness on his Actions, when he desires to recite his Services in a great many Particulars, as if they were Beneficial to the Common-wealth and State; whereas we shall prove them Mischievous and Dangerous.

It is left upon me, My Lords, to take off these Vizards and Appearances of Truth and Goodness, in that part of his Answer which is the Preamble. And that I shall do with as much Faithfulness and Brevity as I can.

1. The First thing (My Lords) that I shall observe in the Preamble is this, That having recited all those great and honourable Offices which he hath done under his Majesty, he is bold to affirm, That he hath been Careful and Faithful in the Execution of them all.

My Lords, If he might be his own Witness, and his own Judge, I doubt not but he would be Acquitted.

It is said in the Proverbs of the Adulterous Woman, That she wipes her mouth, and says, she had done no Evil. Here is a wiping of the mouth, here is a verbal expression of Honesty. But (My Lords) the foulness and unjustness will never be wiped off, neither from his Heart, nor from his Actions; I mean for the time past, God may change him for the time to come: That is the first thing I observe.

2. My Lords, In the second place, out of his Apologetical Preamble, I shall observe this, He doth magnifie his own Endeavours in five particulars: 1. That he hath Endeavoured the maintenance of Religion. (I may miss in words, I shall not miss in sense.) 2. That he hath Endeavoured the Honour of the King. 3. The Encrease of his Revenue. 4. The Peace, and Honour, and Safety of the Kingdom. 5. The Quiet and Peace of the People. These are his five particulars; and I shall give a short Answer to every one of them.

1. For Religion, (My Lords) we say, and we shall prove, that he hath been diligent indeed to favour Innovations, to favour Superstitions, to favour the Incroachments and Usurpations of the Clergy: But for Religion it never received any advantage by him, nay, a great deal of hurt.

2. For the Honour of the King: (My Lords) We say it is the Honour of the King that

I 6 4 I.

that He is the Father of His People, that He is the Fountain of Justice; and it cannot stand with His Honour and Justice to have His Government Stain'd and Polluted with Tyranny and Oppression.

3. For the Encrease of His Revenue: It is true, there may be some Addition of Sums; but we say, There is no Addition of Strength nor Wealth, because in those parts where it hath been increased, this Earl hath taken the greatest share himself: And when he hath spoiled and ravined on the People, he hath been content to yield up some part to the King, that he might with more security enjoy the rest.

4. For the Strength and Honour, and Safety of the Kingdom: (My Lords) In a time of Peace he hath let in upon us the Calamities of War, Weakness, Shame and Confusion.

5. And for the Quiet of the Subjects, he hath been an Incendiary, he hath Armed us amongst our selves, and made us weak and naked to all the World besides. This is that I shall answer to the second Head of his Apology.

3. The Third is this, (My Lords) That by his means many good and wholesome Laws have been made since his Government in Ireland.

Truly, (My Lords) if we should consider the particulars of these Laws, some of them will not be found without great Exception. But I shall make another Answer, good Laws, nay, the best Laws are no advantage when Will is set above Law, when the Laws have force to bind and restrain the Subject, but no force to Relieve and Comfort him.

4. He says in the Fourth place, He was a means of calling a Parliament not long after he came to his Government. My Lords, Parliaments without Parliamentary Liberties, are but a fair and plausible way into Bondage; That Parliament had not the Liberties of a Parliament; Sir Pierce Crosby for speaking against a Bill in the Commons House, was sequestered from the Council-Table, and Committed to Prison.

Sir John Clotworthy, for the same Cause, was threatned that he should lose a Lease that he had. Mr. Barnewell, and two other Gentlemen, were threatned they should have Troops of Horse put upon them for speaking in the House. Proxies by dozens, were given by some of his Favourites: And (My Lords) Parliaments coming in with these Circumstances, they be Grievances, Mischiefs, and Miseries; no works of Thanks or Honour.

5. The Fifth is, That he hath been a means to put off Monopolies, and other Projects that would have been Grievous and Burdensome to the Subjects; if he had hated the Injustice of a Monopoly, or the Mischief of a Monopoly, he would have hated it in himself; he himself would have been no Monopolist. Certainly, My Lords, It was not the love of Justice, nor the Common Good, that moved him: And if he were moved by any thing else, he had his Reward. It may be it was because he would have no man gripe them in the Kingdom but himself; his own Harvest-Crop would have been less, if he had had sharers. It may be it was because Monopolies hinder Trade, he had the Customs, and the benefit of the Customs would have been less; when we know the particulars, we shall make a fit and proper Answer to them: But in the mean time, we are sure whatsoever was the reason, it was not Justice, nor love of Truth, that was the reason.

6. He saith in the Sixth place, He had no other Commission but what his Predecessors had: And that he hath Executed that Commission with all Moderation. For the Commission, it was no Virtue of his if it were a good Commission, I shall say nothing of that. But for the second part, his Moderation; when you find so many Imprisoned of the Nobility; so many men, some adjudged to Death, some Executed without Law; when you find so many publick Rapines on the State, Soldiers sent to make good his Decrees; so many Whippings in defence of Monopolies; so many Gentlemen that were Jurors, because they would not apply themselves to give Verdicts on his side, to be Fined in the Star-Chamber.

Men of Quality to be disgraced, set on the Pillory, and wearing Papers, and such things, (as it will appear through our Evidence) can you think there was any Moderation. And yet truly, (My Lords) I can believe, That if you compare his Courses with other Parts of the World ungoverned, he will be found beyond all in Tyranny and Harshness; but if you compare them with his Mind and Disposition, perhaps there was Moderation; Habits we say, are more perfect than Acts, because they be nearest the principle of Actions.

ons. The Habit of Cruelty in himself (no doubt) is more perfect than any Act of Cruelty he hath Committed; but if this be his Moderation, I think all men will pray to be delivered from it: And I may truly say that is verified in him, The Mercies of the Wicked are Cruel.

I 6 4 I.

7. I come to the Seventh, and that is concerning the King's Revenue: That he hath improved it from 57000 l. to 10000 l. and that he hath done it by Honourable and Just ways. That he hath made the Kingdom able to Support it self. That he hath improved the King's Revenue by many rich and great Purchases. That he hath saved the Charge of the Navy, by bearing 7000 l. a Year in Ireland, which was born here before. And then he says for a Conclusion, That he never took Money out of the King's Exchequer. My Lords, I must run over all these.

For the Enlargement or Increase of the Revenue of that Kingdom, I think there is a little fault in his Arithmetick, but I will not charge him with that now.

But for his Honourable wayes of Increasing it; if Monopolies, if Vexation of the Subject, be Honourable ways, we shall leave that to your Lordships to judge. But most of his increases are made upon Monopolies. It is true, there is another way of bargaining, but it hath been mixed with Rigour and Rapine, and Injustice. Men have been driven out of their Estates; Offices have been found by force. Men have been driven to resign their Estates: And is this a Just way of improving a King's Revenue? that I shall submit to your Lordships.

Then he says, He hath made the Kingdom able to Support it self: My Lords, He that hath no Harvest of his own, must Glean after another man's Reapers. Truly, this was none of his work: The Kingdom was able to subsist of it self before he came thither. For that we shall Appeal to the Records of the Exchequer, betwixt the Year 1622, and the time of his Government, which was Nine years at least, during which, nothing went out of this Kingdom to the support of that Island. The 7000 l. for the Navy, was born in Ireland before his time a year or two; so he comes near the truth of that, yet misses a year of the truth.

But if it were true; hath it been only by the ordinary Revenue that it hath supported it self? He hath had Six Subsidies; a year, or two of Contribution, which the Irish gave towards the supporting of the Charge of Ireland. It was not his Husbanding, nor his Managing of the Revenue; And truly if the Kingdom were able to support it self, (as it was before he came thither) by the Revenue of the Kingdom, and by the help of that Contribution, it would be very fit, (since there may be many Increases since) to know what is become of 300000 l. for six Subsidies, and of the Contribution Money; and indeed there is a great suspicion, that that went another way. But that you may the better observe his Husbandry, I shall speak of his last Years Account; the 20th of March, (now something more than a Year since) the Under-Treasurer delivered an Account, on which there was 101000 l. remaining in the King's Coffers. Since that time there hath been received 112000 l. for the King. (I speak of round Sums, (My Lords,) I leave out pounds and pence, and such things: This is 213000 l. He hath received out of the Exchequer in England 50000 l. There are Debts in Ireland, 60000 l. and what other Debts we know not: Here is above 320000 l. consumed in a Year; which is almost as much as Queen Elizabeth consumed in any Year when Tyrone was in Rebellion, and an Army of Spaniards was there.

My Lords, He saith he never took Money out of the Exchequer; if he rests in that Affirmation, it will be very near truth, yet serves but to shadow a falsehood, which is worse, to cover and to glaze, under such a Colour of Truth as that is, a notable Falshood.

My Lords, It is true, he hath taken no Money out of the Exchequer; but he could be content to take from the Under-Treasurer of the Exchequer, 24000 l. about two years since, and to keep it for his own occasions; when the King's Army was in want: And he paid it in but lately.

And before I pass from this matter of the Revenue, give me leave to speak something of the Increase that comes in by the Customs.

It is true, there is a great increase; but if your Lordships look to the beginning of that bargain, you shall find the notablest Cozenage that ever was offered to a Prince, in one that was a sworn Servant, and intrusted with so great a Charge.

It will be more fully opened in the Article that concerns the Customs; but I shall speak of it a little: He made a bargain, and under pretence of getting of 1350 l. gain to the King, he gave cause of Allowances and Defalcations; whereby he took forth of the King's

I 6 4 I.

Purse 6000 l. a year, or very near, which the King had before. He laid new Additions of charge on the Customs, which came to 12000 l. So that on a bargain of giving 1350 l. more than was reserved on the former Lease, he was sure, that when he made the bargain, of gaining 18 or 20000 l.

8. But I shall pass from the Revenue of the Crown, to the Revenue of the Church, (which is in the 8th place) He saith he hath been a great Husband for the Church, and truly hath brought in many Lands to the Church; but he hath brought them in by wayes without Law, without Rules of Justice: He hath taken away mens Inheritances, And here (My Lords) is an offering of Rapine, an offering of Injustice and Violence: And will God accept such an Offering? Must the Revenues of the Church be raised that way? It is true, it was the more in the way of his own Preferment. He knew who sate at the Helme here, the Archbishop of Canterbury; and such services might win more credit with him. It was not an Eye to God and Religion; but an Eye to his own Preferment. I shall speak no more of that.

9. I come to the 9th head; and that is the building of Churches. Many Churches have been built since his Government. Truly, My Lords, why he should have any Credit or Honour, if other men builded Churches, I know not: I am sure we hear of no Churches he hath built himself: If he would have been careful to have set up good Preachers, that would have stirred up Devotion in men, and made them desirous of the knowledg of God, and by that means made more Churches, it had been something; But I hear nothing of Spiritual Edification, nothing of the knowledg of God that by his means hath been dispersed in that Kingdom. And certainly they that strive not to build up mens Souls in a Spiritual way of Edification, let them build all the material Churches that can be, they will do no good; God is not worshipped with Walls, but he is worshipped with Hearts.

10. He saith in the 10th place, That many Orthodox and Learned Preachers have been advanced by his means; and the Doctrine and Discipline of the Church of England, by his means Protected and Defended. My Lords, I shall give but two or three Patterns of the Clergy that he hath preferred. If you will take Doctor Atherton, he is not to be found now above Ground. For he was hanged for many foul and unspeakable Offences.

Doctor Bramhill hath been preferred to a great Bishoprick; but he is a man that now stands Charged with High Treason: he hath been but few years in Ireland, and yet hath laid out at least 30000 l. in Purchases. I shall name but one Chaplain more, and that is one Arthur Gwyn, who about 1634. was an Under-Groom to the Earl of Corke in his Stable: In the year after, Dr. Bramhill preferred him to be a Clergy-man; and a Parsonage, and two Vicaridges Improprate, were taken from my Lord of Corke, and given to this Arthur Gwyn. I shall add no more Patterns of his Clergy.

11. I go to the 11th, and that is concerning the Army: He hath many glorious Expressions of his Service concerning the Army; That they are 1000 Horse and 2000 Foot: And that there hath been very few Papists Soldiers or Officers; and none preferred by himself. Truly, I think he says true, or within one of true in this; for there was but one preferred by himself, and therefore I shall not stand upon that.

But he says this Army was paid out of the Revenue of the Crown, which heretofore it was not wont to be. To that I have spoken before, and shewed, that many years before his time all the Charges of Ireland were born within Ireland.

He says, (and I speak that as to the Army too) That neither the Arms nor Wages have been burdensome to the People of Ireland; but their Lodgings and Billettings have not been easie, and not without discontent. Why (My Lords) in Dublin it self, where they have a Charter that Exempts them from Billetting of Soldiers, they have been fain to pay for Billetting of Soldiers. Nay, those Soldiers that were Servants and Dwellers in his own houses, and other places, must have their Billetting moneys. And of this there hath been Petitions and Complaints; nay, it hath been spoken of in Parliament there; and yet he can tell you, that the marching and laying of Soldiers is without burthen and grievance to the People: that was the Eleventh.

12. I go to the 12th, and that is the great increase of Trade: The increase of Shipping 100 to one. Truly (My Lords) in a time of Peace, and in a growing Kingdom
as

as that was, being formerly unhusbanded, It is no wonder, that when Land encreases in the Manurance, and People increase in Number, both Shipping and Trade increases. But it is the advantage of the time, not the advantage of his Government; for (My Lords) his Government hath been destructive to Trade: And that will manifestly appear by the multitude of Monopolies that he hath exercised in his own Person. And that is all I shall speak to the 12th.

13. The 13th is, That Justice hath been administred without bribery, without partiality, without Corruption; these are Glorious things. But there will as much fall upon him of Corruption and Injustice, as of any other Offence; And that (My Lords) will appear to you through the whole Course of our Evidence: I shall not now speak of the particulars. And that we may not content our selves with particular witnesses only, I shall humbly desire, That the Remonstrance of the Parliament of Ireland, both of the Lords and of the Commons, may be read: And they will give a sufficient Testimony of the quality of his Justice.

14. The 14th (My Lords) is this, That he hath been a Means to His Majesty for a Parliament in England. It is true he was: And it is as true, that we count that as mischievous a part of his design, as any thing else. Into what a miserable Dilemma (My Lords) did he bring the Kingdom, that we must surrender the Liberties of the Kingdom in Parliament, or see them oppressed with Force and Violence out of Parliament. The particulars of this I shall leave for the instant; for there is an Article that concerns this.

I have now passed through all the material parts of the Apologetical Preamble.

He concludes with a desire, that he may not be charged with Errors of his understanding or Judgment, being not bred up in the Law, or with weakness, to which humane Nature is Subject. Truly, it would be far from us to charge him with any such mistakes; No (My Lords) we shall charge him with nothing but what the Law in every man's breast condemns, the Light of nature, the Light of common reason, the Rules of Common Society: and that will appear in all the Articles my Colleagues will offer to you.

My Lords, I have some few Witnesses which I shall desire may be heard to the points I have opened; and I shall in the first place desire that Sir Pierce Crosby may be heard concerning the Breach of Priviledge in Parliament, also Sir John Clotworthy, Nich. Barnewell, Nicholas Plunket and Sir James Montgomery. I have some witnesses to the point of the Revenue, Sir Robert Pye, Sir Edward Warder and Sir Adam Loftus.

To all which bitter Invectives, the Earl in his occasional replies answered, with as much Temper and Moderation, as the other spoke with Heat and Passion; making his defence with that Vivacity of understanding, clearness of Expression, and with such a Decency both of Behaviour and Eloquence, between the Extremes of Baseness and Dejection, and the vanity of Disdain or Ostentation, as raised an admiration of him, even in his very Enemies.

The first Witness that was produced was Sir Pierce Crosby, against whom the Earl excepted, as having been sentenced in the Star-Chamber in Ireland, for Conspiring to take away his Life, for breaking Prison, and making his Escape, from which Circumstances it was probable he might be Transported by the desire of private revenge, beyond the bounds of Truth and Publick Justice, so that for the present he was set aside.

Then Sir John Clotworthy was sworn, all that he deposed was that Sir George Radcliff being a teller of the No's in a Vote of Parliament to which he had given his Negative, contrary to the Mind of the Earl, who had a desire the Bill should pass, Sir George asked him if he had not a Lease in such a place, to which he answering yes; Sir George replied, remember that.

Witnesses,
Sir Pierce Crosby set aside for the present.

Sir John Clotworthy.

I 6 4 1.

That as to Sir *Pierce Crosby's* imprisonment, he did apprehend it was for giving his Vote contrary to the Lord Lieutenant's mind, for that he heard Sir *George* say to him after he had Voted, this is not Privy Counsellor like, or to that Effect.

Lord *Ranulagh*.

The Lord *Ranulagh* deposed that Sir *Pierce Crosby* was by the Opinion of the Board sequestred from the Privy-Council for Voting against a Bill transmitted by the Lord Deputy and Council to the Parliament.

Lord *Mountnorris*.

The Lord *Mountnorris* deposed to the same Effect, and that he was Sequestred from the Council by the Voices of the Board, among which the Earl gave his.

Nic. *Barnwell*.

Mr *Nicholas Barnwell* deposed that for his differing in Opinion in the Parliament from Sir *George Radcliff*, Sir *George* asked him if his House would hold 500 Men, to which he smiling answered, you know how many my house will hold, whereupon Sir *George* replied it was no laughing matter, and that he should have 500 men laid upon him; but this upon the Earl's Question he said was spoken when the Earl was out of the Kingdom, upon which Mr. *Pym* made this prity Observation, That the Spirit of my Lord *Strafford* could move in Sir *George Radcliff* wheresoever it was spoken, as if a man could commit Treason (had it been such) by his Proxie.

Mr. *Egor* a Witness

The next thing was about oppressing the Subjects of *Ireland*, and particularly the City of *Dublin* by quartering Soldiers upon them, to which Mr. *Egor* was sworn, deposed that the City of *Dublin* is put to 55 l. per menssem for billeting of Horse, which the Earl avoided by the Practice of his Predecessors in the like Case, which the Witness confessed as to Foot Guards.

The Managers then desired the Remonstrance from *Ireland* might be read, which the Earl opposed as being New matter and not in the Charge but come over since his Impeachment, to which they replied that the Subverting of Laws and Corruption of Government was in general laid, and they produce this to prove his answer Untrue as to his Integrity in the Administration, whereupon the Lord *Baltinglass* and Lord *Digby* of *Ireland* vouching the Truth of the Copy it was read in *hæc Verba*.

To the Right Honourable the Lord-Deputy.

The Humble and just Remonstrance of the Knights, Citizens, and Burgeses of the Parliament Assembled.

Shewing,

The Irish Remonstrance.

That in all Ages since the happy Subjection of this Kingdom to the Imperial Crown of England, it was, and is a Principal Study, and Princely Care of his Majesty, and His Noble Progenitors, Kings and Queens of England and Ireland, to the vast Expence of Treasure and Blood; that their Loyal and Dutiful people of this Land of Ireland, being now, for the most part, derived from British Ancestors, should be Governed according to the Municipal and Fundamental Laws of England, that the Statute of Magna Charta, or the Great Charter of the Liberties of England, and other Laudable Laws and Statutes, were in several Parliaments here Enacted and Declared, That by the means thereof, and of the most Prudent and Benign Government of His Majesty, and His Royal Progenitors, this Kingdom was, until of late, in its growth a Flourishing Estate, whereby the said people were heretofore enabled, to answer their humble and natural desires, to comply with His Majesties Princely and Royal Occasions, by their free Gift of 150 Thousand Pounds Sterling; and likewise by another free Gift of 120 Thousand Pounds more, during the Government of the Lord Viscount Faulkland, and after by

by the Gift of 40 Thousand Pounds; and their free and chearful Gift of Six entire Subsidies in the 10th Year of His Majesties Reign, which, to comply with His Majesties then Occasions, signified to the then House of Commons, They did allow should amount, in the Collections, unto 250 Thousand Pounds (although, as they confidently believe) if the Subsidies had been levied in a moderate Parliamentary way, they would not have amounted to much more than half the Sum aforesaid, besides the four intire Subsidies granted in this present Parliament. So it is, May it please Your Lordship, by the occasion of the insuing, and other Grievances and Innovations (though to His Majesty no considerable Profit) this Kingdom is reduced to that extream and universal Poverty, that the same is less able to pay Subsidies than it was heretofore, to satisfie all the before recited great Payments: And His Majesties most Faithful people of the Land do conceive great fears, that the said Grievances and Consequences thereof, may be hereafter drawn into Presidents, to be perpetuated upon their Posterity, which in their great Hopes, and strong Beliefs, they are perswaded is contrary to His Royal and Princely intention towards His said people; some of which said Grievances are as followeth:

1. The general apparent decay of Trades, occasioned by the new and illegal raising of the Book of Rates and Impositions upon Native, and other Commodities, Exported and Imported, by reason whereof, and of extream Usage and Censures, Merchants are beggered, and both disinabled and discouraged to Trade, and some of the honourable Persons who gain thereby, are often Judges and Parties, and that in the conclusion His Majesties Profit thereby is not considerably advanced.

2. The Arbitrary decison of all civil Causes and Controversies, by Paper Petitions, before the Lord Lieutenant and the Lord Deputy, and infinite other Judicatories upon reference from them, derived in the nature of all Actions determinable at the Common Law, not limited into certain time, cause, season, or thing whatsoever: And the consequences of such proceedings, by receiving immoderate and unlawful Fees, by Secretaries, Clerks, Pursevents, Serjeants at Arms, and otherwise, by which kind of Proceedings His Majesty loseth a considerable part of his Revenue upon Original Writs, and otherwise; and the Subject loseth the benefit of his Writ of Error, Bill of Reversal, Vouchers and other Legal and just Advantages, and the ordinary Course and Courts of Justice declined.

3. The proceedings in Civil Causes at Council-Board, contrary to the Law and great Charter, not limited to any certain time or season.

4. That the Subject is, in all the material parts thereof, denied the benefit of the Princely Graces, and more especially of the Statute of Limitations of 21 of Jac. granted by his Majesty in the Fourth Year of His Reign, upon great Advice of the Councils of England and Ireland, and for great Consideration, and then published in all the Courts of Dublin, and in all the Counties of this Kingdom, in open Assizes, whereby all Persons do take notice, That contrary to His Majesties Pious Intentions, His Subjects of this Land have not enjoyed the benefit of His Majesties Princely Promise thereby made.

5. The extrajudicial avoiding of Letters Patents of Estates, of a very great part of His Majesties Subjects, under the Great Seal (the Publick Faith of the Kingdom) by private Opinions, delivered at the Council-Board, without Legal Evictions of their Estates, contrary to Law, and without President or Example of any former Age.

6. The Proclamation for the sole emption and uttering of Tobacco, which is bought at very low Rates, and uttered at high and excessive Rates, by means whereof thousands of Families within this Kingdom, and of His Majesties Subjects in several Islands, and other parts of the West-Indies (as your Petitioners are informed) are destroyed; and the most part of the Coin of this Kingdom is ingrossed into particular Hands, insonmuch that your Petitioners do conceive that the Profit arising and ingrossed thereby, doth surmount His Majesties Revenue, certain or casual, within this Kingdom, and yet his Majesty receiveth but very little profit by the same.

7. The universal and unlawful encreasing of Monopolies, to the advantage of a few, the disprofit of His Majesty, and impoverishment of His people.

8. And the extream cruel Usage of certain late Commissioners, and other Stewards of the British Farmers and Inhabitants of the City and County of London-Derry, by means whereof the worthy Plantation of that Country is almost destroyed, and the Inhabitants are reduced to great Poverty, and many of them forced to forsake the Country, the same being the first and most useful Plantation in the large Province of Ulster, to the great weakning

1641.

weakening of the Kingdom in this time of danger ; the said Plantation being the Principal Strength of those parts.

9. The late Erection of the Court of High Commission, for Causes Ecclesiastical, in these necessitous Times ; the Proceedings of the said Court, in many Causes without legal Warrant, and yet so supported as Prohibitions have not been obtained, though legally sought for : And the excessive Fees exacted by the Ministers thereof, and the encroaching of the same upon the Jurisdiction of other Ecclesiastical Courts of this Kingdom.

10. The exorbitant Fees, and pretended Customs, exacted by the Clergy against the Law, some of which have been formerly represented to your Lordship.

11. The Petitioners do most heartily bemoan, that His Majesties Service and Profit are much more impaired than advanced by the Grievances aforesaid ; and the Subsidies granted in the last Parliament, having much encreased His Majesties Revenue by the buying of Grants, and otherwise : And that all His Majesties Debts then due in this Kingdom, were satisfied out of the said Subsidies ; and yet his Majesty is of late (as the Petitioners have been informed in the House of Commons) become indebted in this Kingdom in great Sums. And they do therefore humbly beseech, That an exact Account may be sent to His Majesty, how and in what manner His Treasure is issued.

12. The Petitioners do humbly conceive just and great fears, at a Proclamation published in this Kingdom, in Anno Domini 1635. prohibiting men of Quality or Estates to depart this Kingdom into England, without the Lord-Deputie's Licence, whereby the Subjects of this Kingdom are hindred and interrupted from free access, to address to His Sacred Majesty, and Privy-Council of England, to declare their just Grievances, or to obtain Remedies for them in such sort, as their Ancestors have done in all Ages since the Reign of King Henry the Second, and great Fees exacted for every of the said Licences.

13. That of late His Majesties Attorney-General hath exhibited Informations against many ancient Burroughs of this Kingdom, into His Majesties Court of Exchequer, to shew cause by what Warrant the said Burgeses (who heretofore sent Burgeses to Parliament) should send the Burgeses to the Parliament, and thereupon, for want of an Answer, the said Priviledges of sending Burgeses was seized by the said Court, which Proceedings were altogether Coram non Judice, and contrary to the Laws and Priviledges of the House of Parliament, (and if way should be given thereunto) would tend to the Subversion of Parliaments, and by Consequence to the Ruin and Destruction of the Common-wealth.

And that the House of Commons hath hitherto, in this present Parliament, been deprived of the Advice and Counsel of many profitable and good Members by means thereof.

14. By the Powerfulness of some Ministers of State in this Kingdom, the Parliament in its Members, and Actions, hath not its natural Freedom.

15. And lastly, That the Gentry and Merchants, and other His Majesties Subjects of this Kingdom, are of late by the Grievances and Pressures before said, and other the like, brought very near to Ruin and Destruction : And the Farmers of Customs, Customers, Waiters, Searchers, Clerks of Unwarrantable Proceedings, Pursevents, and Goalers, and sundry others, very much enriched, whereby, and by the slow Redress of the Petitioners Grievances, His Majesties most Faithful and Dutiful People of this Kingdom do conceive great fears, that their readiness approved upon all occasions, hath not been of late rightly represented to His Sacred Majesty : For Remedy whereof, the said Petitioners do humbly, and of right, beseech your Lordships, That the said Grievances and Pressures may be speedily Redressed ; and if your Lordship shall not think fit to afford present Relief, that your Lordship might admit a Select Committee of this House, of Persons uninterested in the benefit arising of the aforesaid Grievances, to be licensed by your Lordship, to repair to His Sacred Majesty in England, for to pursue the same, and to obtain fitting remedy for their aforesaid and other just Grievances and Oppressions ; and upon all just and Honourable Occasions, they will, without respect of particular Interest or Profit to be raised thereby, most humbly and readily in Parliament extend their utmost endeavour to serve His Majesty, and comply with His Royal and Princely Occasions, and shall pray, &c.

To

To this the Earl replied, that their Lordships might observe, that it bore Date *Feb. 22, 1640.* which was since his Impeachment, and that it is followed by Faction and Confederacy, and a strong Conspiracy against him, as if he had time and opportunity he could make it appear.

And indeed the Complaints of the *Irish* Nation against him who had in all things endeavoured to promote and advance their Trade and Manufactures, could not be very valuable, since they made any alteration of their ancient Customs, how foolish and unreasonable soever, a great Grievance and Occasion of Complaint; and there is Extant in the Paper-Office, a Petition to reverse an Order of the Council Board forbidding them to plough with their Horses tyed only to one anothers Tails, and to use the *English* way of Traces for their more commodious performing the service of their Tillage.

But his last expressions put the Managers into a great heat, and Mr. *Glyn* cryed out, My Lords these words are not to be suffered, charging the House of Commons with Faction, Correspondency and Conspiracy, we desire your Lordships Justice in this, so watchful were they to catch at any seeming advantage even of an incautious Expression.

But the Noble Prisoner, with his wonted Temper replied, God forbid I should think there was or could be any thing in that House, or any Member of it, but that which agrees with Truth, Justice and Equity. and turning to the Lords, protested he had no intention to reflect either upon the Lords House in *Ireland*, or the Commons here, but upon certain Persons that were not Members of the Commons House here, that held Correspondency with some in *Ireland* that are no Members of the House there.

Then the Remonstrance of the Commons House in *Ireland* was read, being in Effect the same with that from the Lords.

The next thing which was insisted on, was the point of the Revenue, which they endeavoured to prove he had not advanced by the Testimony of *Sir Edward Warder*, *Sir Robert Pye* and the Lord *Mountnorris*; to which my Lord made appear that he found the Crown indebted 100000 *l.* at his Entrance, but had since improved the Revenue so that *Ireland* was able to subsist without being as it had been in the time of his Predecessors a burthen to *England*, and that at his coming over he left 100000 *l.* in the King's Exchequer; and in Fine the Managers did as good as give him the point, for they confessed, that it was not to be denied but the Revenue was encreased by such means as my Lord *Strafford* hath increased it, but that it was not the Natural Revenue but the Bounty of the Country that supported the Charge before my Lord came to the Government, so that to say *Ireland* did not support it self before, in the general sence is untrue, but to say in a special sence that the King's proper Revenue did not support it, his Lordship says true. From whence the Earl inferred that therefore it was not material to insist upon it.

They then Charged him with receiving 24000 *l.* of the King's Revenue and making use of it, which in Effect he did not deny, it being a particular Favour of the King to permit him so to do, and that he gave good security for the money and had also repaid it.

The Managers here took exceptions at the Earl's interlocutory discourses to which he answered, applying himself to the Lords, That he should willingly submit to the Order of their Lordships, only there were some things put upon him which were not in the Charge, to which he craved Liberty to recollect himself to make his Defence, making protestation as

in

1641.

Sir Edward Warder,
Sir Robert Pye,
Lord Mountnorris,
Witnesses.

1641.

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in the Presence of Almighty God, and by the hopes he had to be delivered out of his Afflictions that he never had other Intentions then to be true and faithful to his Majesty and the Commonwealth, and that he hoped to regain the same good opinion of the House of Commons which he once had when he was once a Member of it, being he was still the same person both in Opinion and Intention.

This the Managers opposed, and urged to have him answer immediately, desiring if he did not answer, then he might be precluded from any future Answer.

Upon which he renewed his Request, but withal desired their Lordships, if it could not be granted to bear with many infirmities both of his Body and Mind which were very great, and which did plead for a little Favour and Compassion. He said, the House of Commons proceeded with Justice according to their Information, but that he knew it was in the Hearts of all that heard him, that he should have time to clear a truth, & that no person could he thought deny it, and therefore humbly prayed he might not be surprized.

Hereupon the Lords adjourned to their House for half an hour, and at their return Ordered him to make his Answer presently, which to the Admiration of the hearers he did as followeth,

*My Lords,*

The Earl of  
Strafford's  
Speech April  
23.

I shall never do other than readily obey whatsoever your Lordships should please to command me, my heart paying you Obedience; and so in truth shall every thing that proceeds from me. The question (I observe) is matter of Truth, or not Truth, in the Preamble (as they call it) of this my Answer; and to that with all the Humility and Modesty in the World, I will apply my self, as not conceiving it any way becoming me to speak any thing of Sharpness in any kind, but with all Humility and Reverence to bear all these Afflictions, with acknowledgment unto Almighty God, and to lay them so to my heart, that they may provide for me in another World, where we are to expect the Consummation of all Blessedness and Happiness. And therefore to lay aside all these Aggravations by words, wherewith I have been set forth to your Lordships (only with this) that I trust I shall make my self appear a person otherwise in my Dispositions and Actions, than I have been rendered; and shortly and briefly, I shall fall upon the very points, as near as I can, that were mentioned by that Noble Gentleman; and if I should forget any, I desire to be remembered of them, that I may give the best Answer I can on a sudden; with this Protestation, That if I had had time, I should have given a far clearer Answer, than on the sudden I shall be able to do.

I will take them as they lye in Order: And the first thing in this Answer is, That in *Ireland*, by my means, many good Laws were made for increase of the King's Revenue, and for the good of the Church and Commonwealth; and this I humbly conceive, was not denied directly, only it was inerr'd, That Laws were of no use where Will was put above Law.

That these Laws were made, the Acts of Parliament that are extant, and visible things, do make appear; For (though I might express it darkly, by reason I understood not matters of Law) the Truth of it is, before such time as I came there, the Statutes of Wills and Uses, and Fraudulent Conveyances, were not of force in *Ireland*; by which there was a very great mischief that fell many ways, both on the King, and specially on the *English* Planters: For by want of these Statutes, no man knew when he had a good Title; and old Entayles would be set on Foot, and by that means the later Purchaser avoided; by which means there was a great loss and prejudice to the King in his Wards; which by these Laws are settled, and the Laws of *Ireland* brought much nearer the Laws of *England* than before. And in this point I conceive I am not absolutely gainsayed, but



but only conditionally, that is, that notwithstanding this, I have set up another Government, Arbitrary, and Tyrannical. To which, I shall not now trouble your Lordships with an Answer, that being in the particulars of my Charge. And thus I think the first to be fairly and clearly Answered.

Then, that there were more Parliaments in the time of my Government, than in 50 years before. There were two in my time; and if I might call Witnesses, it would appear, that there were not so many within that time before; but being not material to my Defence or Condemnation, I will not trouble your Lordships with proof, unless you will require it; I having them here, that I think can make it good. And whereas in my Answer I deny that I ever had hand in any Project or Monopoly; and that I did prevent divers, that otherwise would have passed: I said that, under favour, with all duty and confidence; I must still affirm it, That I never had hand or share in any manner of Monopoly or Project whatsoever, unless the Tobacco-business were a Monopoly, which under favour, I shall clear not to be; but that being part of my Charge, I think it impertinent now to give Answer unto it; but will satisfy your Lordships in that behalf, in proper time and place: But more than that of Tobacco, I say absolutely and directly, I never had my hand or share in any Monopoly or Project; nay, I did, as much as I could, Oppose all of them, particularly the Monopoly of Iron-Pots; for which, I reserve my self to Answer as part of my Charge: And a new Book of Rates, whereby it was proposed, That the Rates of the King's Customs might be encreased. And this I did Oppose and Disavow, albeit I was a sharer in the Farm, and consequently should have had the Benefit and Advantage of it for my proportion; and by the King's Gracious Goodness (when His Majesty came to be more fully and clearly informed of it) it was stopped, and never went on: And this I will make appear in that point of the Articles that concern the Customs.

The Fourth is, That I have not had any greater Power, or larger Commission, than my Predecessors in that Government have had; which I conceive, under favour, is not controverted, but granted, and therefore stands good to me; or if it were controverted, I am able to make it appear, that I have brought in nothing more than was formerly accustomed in the point of the Deputies Commission.

The next thing in my Answer is, That the Revenue of *Ireland* was never able to Support it self before my coming thither; and that I say still, with all Humility and Duty, is most true: And I trust to make it apparently true presently, if Your Lordships will give me leave to call for, and examine my Witnesses. It being the Proofs Your Lordships will look to, and not to what was only alledged by that Worthy Gentleman: And further than Your Lordships shall find proved, I desire not to be believed.

The proof offered against me, is by Sir *Edward Warder*, and Sir *Robert Pye*, who testified, That from the Year 1621. nothing went out of the King's Exchequer to supply the *Irish* Affairs, saving only for the Maritime occasions. And this I believe to be true; for they be Gentlemen of Credit that speak it: and I will believe them on their Words, much more on their Oaths.

But (under favour) there was for Eight Years together before my coming, a Contribution of 20000 *l.* a Year paid by the Country; which was no part of the King's Revenue, nor as I conceive, ever came into Accompt, nor was paid into the Exchequer, as will appear on the Fifteenth Article; but was a Gift of the Country, and applied to the King's Occasions: and that determined, the Revenue fell short 20000 *l.* of the Charge.

Besides, when I came into *Ireland*, the Crown was extreemly indebted, above (as I think (not to stand on particular Sums and Pence) 100000 *l.* Sterling. And by the Gentleman's own saying, when I came out of *Ireland*, I left 100000 *l.* in the King's Coffers: And if any ask where the Accompt for the Subsidies is, There is 100000 *l.* Debt paid, 100000 *l.* left in the King's Coffers; (For it appears by Sir *Adam Loftus*, that there was 100000 *l.* in the Exchequer when I came from thence) There was 15000 *l.* employed for buying Land, that yields the King 2000 *l.* a Year. And so much of my Lord of *Ormond* as yields 2500 *l.* a Year: So that the Accompts will shew the bestowing of the Subsidies, with as much Advantage as might be, for the King's Service. That the Revenue was short, I could make appear clearly. The occasion that no Money came out of the Exchequer,



1641.

was accidental, by a Contribution of the Country, no Revenue of the Kings. And if that had not been supplied, there had been no possibility of defraying the Ordinary Charges of the Crown out of the Revenue; and that is the Point wherein I differ from the Gentleman, his meaning being, That the ordinary Revenue of the Kingdom could not bear the ordinary Charge of the Kingdom. And I desire that Sir *Adam Loftus* and Sir *Robert Dillom*, may be examined upon such questions as shall be propounded in this point.

And whereas it is said, I was short in the Shipping; I affirm, that under favour, I was not. It is true, that in the time of the late Justices, my Lord of *Corke*, and my Lord *Loftus*, the last years Charge of the Shipping was paid forth of *Ireland*: But it is as true, that when the Kingdom underwent the Charge, they lessened the Charge of the King's Army, by striking 500 off from the Army; and transferred the Charge of their pay, to the easing of the King's Revenue on the Navy. But that Charge being now increased again, and brought to the former certainty, I conceive I might truly say, There was in my time an ease to the Crown of *England*, (all things considered) which formerly it had not: It being not with the prejudice of the King's Service elsewhere, or lessening the standing Army, which in all times hath been the strongest support of the King's Justice, and Ministers there; and which it deeply concerns the Crown of *England*, to keep in such a Condition, that they may be responsible to the King for the Services he shall Command: So that though the Shipping Charge was paid the last year, yet so paid, that the King's Army was weakened 500 Foot; whereas now it is paid, and the King's Army raised to a certainty again; and a Change is made to the better; for instead of 500 Foot, there is 600 Horse. And that I say, my Lord of *Corke* remembers very well, there being Letters of his, That Sir *Pierce Crosby* his Regiment, should be put off, and the money for maintenance thereof, should go to defray the Charge of the King's Ships, for guard of the Coast.

And yet the Charge is much more now than it was; for the Charge was then only two Whelps, as my Lord *Mountnorris* said: And now there be three Ships. The *Swallow*, a Ship of the Third Rank, and two lesser Vessels; so that I conceive my Answer, in my sense, was true.

For the matter of having money out of the Exchequer, I conceive my Answer to contain no matter of Untruth; for I had out of the Exchequer only 15000 *l.* and for that the King will be answered 20000 *l.* a year good Fee-farm Rent, in lieu of it; which he thought was no ill bargain. It is true, (I say) the money spoken of by Sir *Adam Loftus*, was borrowed on my own, and Sir *George Ratcliff's* Bond, to be paid upon sight. At that time (I praise God) I had Credit for 20000 *l.* and at this time (I thank God for that too) I have not Credit for 20 *d.* Gods Will be done, I obey it. But this money is honestly and justly paid; Where is the Crime then? might not I borrow of a Gentleman that would trust me with money, but it must be an Offence? Is it true, it was of the King's money; but the King had no use for it at that time. Had not I made use of it, it must otherwise have lain in the Exchequer, and yielded no profit; and besides, I borrowed it of one that was Accomptable for it.

But since I am put to it, I will shew that which will clear it from being a Crime indeed; which according to the Duty I owe unto His Majesty, my Master, his Command hitherto have I kept private to my self: And that is the King's Warrant, being all of His own Hand-writing.

Sir *Adam Loftus*, being then Vice-Treasurer, and now demanded the question, Whether that Warrant was produced to him at the borrowing of the money, confessed, that my Lord of *Strafford* never told him of the Warrant.

Witness.

Kings Warrant read.

The Warrant was read; containing a Licence to make use of 40000 *l.* of His Majesties Treasure, now in the hands of His Majesties Vice-Treasurer, for three years; Provided, that for Security, there be always left in the hands of the Comptrollers, a Stock of *Tobacco*, amounting to 40000 *l.* at the least; with a direction to conceal this particular favour to him, that it might not be brought into precedent; then his Lordship proceeded,

There



There was accordingly so much Tobacco left. But, by what Law I know not, The Magazines are seized on by Order from the Commons House of Parliament, my Goods possessed, and given over to others, to sell at their own prices; my People imprisoned, as if they had been Traytors Goods, and as if an Inquisition had been found upon me as a Traytor. And this is my Misfortune, to be very hardly dealt withal by the Commons House there, to say no more.

And whereas by the Kings Goodness I had liberty to take 40000 *l.* I took but 24000 *l.* And where I had liberty to take it for three years (which expires not till *Michaelmas* next) I paid it in long before the time. And by this one particular I hope it will appear to Your Lordships, and the Gentlemen of the House of Commons, how Noble it will be to believe Charitably of me, till they hear all can be said; for I trust, in the whole course of this Trial, to appear an honest man.

And whereas I said, I never had but 15000 *l.* out of the Exchequer, and yet had 24000 *l.* borrowed as aforesaid. The King Commanded me I should not take notice of His gracious Favour; and therefore I conceive, that in Duty to my Master I ought not to have taken notice of it, otherwise my Answer should have clearly and plainly expressed it: I never having Disobeyed his Majesty, nor, by the Grace of God, never will.

For the 7000 *l.* for the Guard of the *Irish* Coast, that was mentioned already; and I shall not need to Answer it further.

To the point of restoring the Possessions of the Church in a great measure; I say, there was not only a Restitution, but a Preservation by an Act of Parliament, for preserving the Possessions of the Church from being mis-used by the present Incumbent, to the prejudice of the Successors; which Act, I wish were in *England*: But that I conceive not to be Controverted, but granted me.

But it is said, The Possessions of the Church were restored in an Illegal way, to please my Lord of *Canterbury*: To which I Answer, The Gentleman indeed spake it, but there is no proof of it, neither hath he offered any proof; and till it be proved, I conceive it not fit to trouble Your Lordships with Answering it: I have done nothing in Church or Common-wealth, but Justly and Uprightly.

Albeit I conceive it a hard case, that having the Honour to be the Kings Deputy sitting in Council, where there be Twenty who Voted as well as my self, That I should be noted to Answer for them all, though I did constantly submit my self to the Major part.

And as to my Lord of *Canterbury*, I beseech Your Lordships to think, That what I have done for the Church of *Ireland*, was out of a faithful Conscience to God Almighty, out of a desire to increase the Religion I Profess, and which I will witness with my Blood, by the blessing of Almighty God, if there should be occasion. And when I have done it with respect to that Piety of His Gracious Majesty, which I would faithfully pay Him. I desire it may not be put upon me, as done in an respect only to my Lord of *Canterbury*, where no such thing is proved: No, I did it out of Conscience, my Duty to God, to the King, and to the People, that they might be instructed in the way to Eternal Life. And I beseech Your Lordships to believe, I have a Heart a little greater than to do any such thing to please any man living, with Modesty be it spoken.

For the Building of Churches, I confess, I built not any; and in my Answer I say no more, but that Churches were built; which the Worthy Gentleman acknowledged in some part. I confess they were not Built by me, or at my particular Charge; nor do I say otherwise in my Answer: And it had been a vain thing to have said it, though I had done it my self.

But it is said, the Answer is not right, in saying there be divers Worthy Church-men preferred; and three are instanced in, Bishop *Atherton*, the Bishop of *D.* and one *Gwyn*: To this I beseech Your Lordships, that I may be bold to let the Gentlemen know, That Bishopricks not in the gift of the Deputy, but of the King; and that he is not Responsible for what the King doth.

But not desiring to deny any thing that is true, I confess, I think Bishop *Atherton* was unknown to His Majesty; and that I my self recommended him to the Bishoprick; and at that time I thought the Bishop a Person fit for that Charge: But suppose he had a secret fault of his own, (God knowes it was unknown to me) may not a man be deceived in his Judgment of a man, but this shall be turned



1641.

against him? It is a very easie thing for a man to cover his faults from the eye of the World; I thought him not a Vicious man, he proved so, and he had his merit, he suffered for it: And unless I had the Inspection of Almighty God, I suppose, this cannot be laid to my Charge; if any private End or Respect should appear in the doing of it, I desire no more of Your Lordships Favour; and I profess, I had rather be out of the World, than not have the Favour of Your Lordships, and the Honourable House of Commons; of whom I desire, that they would hear me with that Equity that they hear every thing.

For the Bishop of *D.* all that is mentioned against him is, That he is Impached of High Treason by the Commons House of Parliament in *Ireland*: And how the Bishop will acquit himself I know not; but for that, the Bishop must Answer for himself, not I.

This Bishop hath lived in my House a long time, as my Chaplain; and I humbly recommended him to that Bishoprick, taking him (and I hope he will so approve himself) to be a very Learned man, and that I think no body will deny: certainly he hath the Elements to make him a very Worthy Church-man as most I know.

For that *Gwyn*, I profess I never heard of him before, nor do I know him; But recollecting my thoughts, I think he was recommended to me by my Lord of *D.* for in Matters of the Church I did use that Gentleman; and if I were to begin the World again, I would use him still, holding him a very honest Worthy Man: And I think there was some Rectory or Impropriation that the Earl of *Corke* had possession of, which was restored to the Church; and it was of so small and trivial a value, that they knew not who to get to serve the Cure; and on that occasion this man was recommended to it: And I think, that if it shall come to be examined, Thirty pounds a Year will go far in his Preferment. And if such a thing should happen, and miscarry in his hands, it is no such hainous Crime as is objected.

But I desire leave to shew what I have done in this kind instead of this Mr. *Gwyn*; and Your Lordships may see a List of those I have preferred to the Church of *Ireland*, and perhaps they may be known to some of Your Lordships, and to many Gentlemen of the House of Commons. And first I say, I preferred Mr. *Gray*, and have done for him according to the means I had by the Favour and Goodness of the King; perhaps he hath that which is worth 3, or 4, or 500 *l.* a Year by my Gift. And this Mr. *Gray* (if I be not mistaken) was sometimes Chaplain to a Noble Person that sits on the Earls Bench; and if it were material further to enquire of him, I might give satisfaction what he is. I likewise brought into that Kingdom Mr. *Tilson*, now Bishop of *Elphin*, and sometimes Fellow of *University Colledge of Oxford*, a most Worthy, Honest, Religious Person he is; and those that know him, I am sure will give him that Testimony. I likewise preferred Dr. *Margetson*, Dean of Christs Church; he was of *Cambridge*, and a Worthy man. Mr. *Forward*, Dean of *Drummore*, an *Oxford* man; who if he were known, would appear worthy of that Preferment. Mr. Dean *Cressy*, an *Oxford* man. Mr. *Roade*, Dean of *Derry*, a *Cambridge* man, of *Sydney Colledge*. Dr. *Wentworth*, Dean of *Armagh*, of *Oxford*. Dr. *Price*, Dean of *Conaught*, of Christs Church in *Oxford*. Mr. *Thorpe*, a *Cambridge* man. I preferred likewise one Mr. *Parry*, whom I found in *Ireland*; but all the rest I brought, and sent for out of *England*: Nay, I sent for them, and did those things for them before they did ask the Question, or knew of it; That being a means, under Gods Blessing, to conform that Kingdom to the Church of *England*. And these, and far greater numbers than these, to my best Judgment and Understanding, I made use of as Instruments to Gods Glory, His true Service, and the reducing of the People to the Profession of the same Religion that's here in *England*; and for no other end. But concerning my Carriage of the Trust reposed in me by the King, touching these Ecclesiastical Preferments, I desire no other Testimony or Witness for me, but the Lord Primate of *Ireland*, who is sick, and cannot come hither: To whom I will appeal, whether I have not in my preferring to the Church Preferments, carried my self with all clearness and care I could possibly.

To the point of increasing of Protestants; if Your Lordships please to hear any thing in that kind, I shall call my Lord *Dillon*, and Sir *Adam Loftus*, who if they should be asked, Whether there be more Protestants in *Dublin* now than when



I first came thither? I doubt not but they would give an account of a greater number.

My preferring of none but Protestant Officers, if I mistook not, the Noble Gentleman did acknowledge, meaning Mr. Pym.

To the disposing of the Army without Grievance to the Subject; I leave that, (which was spoken with so much Advantage and Ability, above any thing that from such a poor man as my self, could be expected) and proceed to that which was proved; observing, That one only Testimony was produced, (*viz.*) Alderman J. who said, they have a special Charter at *Dublin* to exempt them from Billetting of Soldiers. But whether it be so or no, it hath ever been denyed by the Deputies: And by his own Confession, the Foot-Companies of my Lord of *Faulkland* were Billetted in *Dublin*. And whereas it was said they had Lodgings, not Money, That was altered upon a Composition with the Soldiers, who can expect only Lodging; but if for the Ease of the Town they will allow the Soldier Money, and leave him to provide for himself, it is all one.

For the Horse Troops, My own is, and ever since I was there, hath been Billetted in *Dublin*. And it is in the power of the Deputy to Garrison part of the King's Army where he pleases, and without controversie, hath been so at all times.

And I desire that my Lord *Ranulaph* may be asked, Whether the Soldiers of the Company he hath, be not Billetted in *Athlone*, at least some part of it. It is true, my Lord of *Faulkland*'s Troop was not Billetted in *Dublin*; but they were in the Counties round about, which was more chargeable.

And besides, here is produced but one single Witness; and I hope my own Answer may stand equal, and in as much Credit, as a single Testimony, that on the matter, confesses the thing in a great part.

For the increase of Shipping, the Gentleman question'd it not; and really there is now 100 Tun for one, that was there before my coming. And if I had time to send into *Ireland* for the Certificates of the Officer of the Ports, (the Surveyor, I think) who views the Ports once a Year, it should appear to Your Lordships, that I have not abused you, nor the Honourable Gentlemen that hear me. And whether that be an Argument that the Trade and Wealth of the Kingdom is improved, (I appeal to all that hear me) when the Shipping doth so much increase: And the Customs, which were not above 13000 *l.* a year, are come to 40000 *l.* and that on the same Book of Rates.

Concerning the Sentencing of Jurors, and the questioning of them in the *Star-Chamber*. It is true, divers of their Sentences were past: And to those Sentences I refer my self, till something be proved against the Truth and Justice of them. And I think it will stand with Your Lordships Goodness, to judge the best of the Court of *Castle-Chamber*, wherein the Deputy hath but one Voice, They being the King's Ministers, and standing upon their Oathes to do their Duties: But I think in my Conscience, there was the greatest reason in the World to sentence those Persons. And when it comes to be examined, it will prove so. And unless a strict hand be in that kind held upon the Natives, the Priests shall carry them against all things that can be. For either they do not, or will not, understand their Evidence: so that it begets one of the most crying Sins in *Ireland*. And if some Examples have been made, they are upon strict Grounds and Reasons of State. For if Jurors going directly and manifestly contrary to their Evidence, be not punished, that high and ancient Trial by Jury, will fall. And is it not ordinary in *England* to have Juries Sentenced for not finding according to the Evidence? But if any one hath not been Just, upon instancing of the particulars, I will Answer for his Vote as well as I can: For it must stand or fall according to the Merit of the Cause.

But one thing which I observe the Gentleman to say, is very Considerable; for he tells what was spent there this last Year. This I have little to Answer for: For when I came out of *Ireland*, there was 100000 *l.* in the Exchequer; and how it hath been issued, I know not, but it hath not been done by my Warrant or Direction; yet I doubt not but it will appear, when examined, that it hath been faithfully and justly disposed. But I am not to Answer for it, only I can say, That when I came out of that Kingdom, the Kingdom was so far from being 60000 *l.* in Debt, (as some such thing was spoken) that there was 100000 *l.* in the King's Coffers.

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E. of Strafford.

Billetting of  
Soldiers in  
*Dublin*.

Increase of  
Shipping.

Jurors Sen-  
tence in the  
*Star-Chamber*.

And



1614.

And for the 50000 *l.* received by me in *England*, Mr. Vice-Treasurer in *Ireland* is Accomptable for it, though Mr. Vice-Treasurer never touched the money, and my self as little. And Mr. Vice-Treasurer discharges himself of it by Warrants issued from me, and charged it upon other Accomptants; who when they come to Account, I doubt not but a good Account will be given. Though (under favour of the Gentleman) of the 50000 *l.* 14000 *l.* is yet unpaid, only there is an Assignment. But it lies on him and his Credit for discharge of the Kings Service: And it must lye on him, or on some other person, if himself have nothing left him.

And whereas it is said, the money I had as borrowed, was taken out when the King's Army was in want, I desire Your Lordships to observe, It was two Years ago when I had this money; and then there was 100000 *l.* in Surplusage. And though the King gave me Liberty, of His Goodness, to use it three Years, it was not wanting to the Army when it stood in need of it.

The next thing urged, was my Cozenage in the Custom-house; and that I had there Cozened the King notably, 5 or 6000 *l.* a year deep.

To Answer this, I reserve my self till I come to the particular Article; but desire leave with all Modesty to say, That it shall appear I have not Cozened, nor deceitfully abused His Majesty for a Farthing Token, neither in that, nor in any thing else. And that there is no other Allowance, nor Defalcation by the Grant wherein I am Interessed for 15600 *l.* a year, and 8000 *l.* Fine, then was allowed to the former Farmers, that had it at the Rent of 13000 *l.* a year. And that I have made the King a much more profitable bargain than he had, or could have without it.

The next was for the Revenues of the Church, That they were got without Rules of Justice; And were an Offering of Rapine. And that I had an Eye to my own Preferment, in the Person of my Lord of *Canterbury*: To that I have already Answered.

And thus having run over all the Preamble, I humbly begg leave to make some Observations upon the Testimonies produced, (*viz.*) That the Examinations of Sir *John Clotworthy*, and my Lord *Ramulagh*, I conceive, do not concern me. Mr. *Barnewells* was for things spoken when I was out of the Kingdom; and were concerning Sir *George Ratchiffe*, and not me.

For the Remonstrances shewed, wherein they disclaim the Preamble to the Act for four Subsidies, I beseech Your Lordships to consider, how unlikely it is that I should do any thing in that kinde fraudulently or surreptitiously: For by the Custom of that Kingdom, the Laws must be transmitted hither under the Hand of the Deputy and Council, and so pass the Seal, and be returned to *Ireland*; when that Law was transmitted, I was here in *England*, as I take it: And absolutely and directly, I protest I never knew any thing in the World of that Preamble, never saw it, nor heard of it, I think, till I saw it in the Copy of the Remonstrance; I never heard it was excepted against, it having pass'd the Vote, and three times reading, in both Houses: And I would have consented to have it struck out, as in truth I will now, being far from any thing of vanity, and not thinking my self better or worse by being put in or out: And if it were charged upon me as a Crime, or were material for me to prove it, I think I could by Witness in Town prove, That it was the general Vote of the Commons House, and passed with as much Applause and Chearfulness, as any thing. And, if my Lord *Dillon*, and Sir *Adam Loftus*, and some other of the *Irish* Commissioners, were examined upon Oath, I believe they would Swear they never heard any Exceptions against it, till the time I was Impeached with High Treason.

For the Particular concerning Sir *Pierce Crosby*, it concerned not me; but the reason of his being put from the Board was this: All Laws must first be transmitted from the Deputy and Council; the Bill against which he Voted was transmitted, Sir *Pierce Crosby* was there, and set his hand to the transmission; and because he did not except against it then, being a Member of the Board, but did except against it afterwards, it was thought fit he should be Sequestred (as I remember) till His Majesties Pleasure should be known; but Committed he was not: And it was done by the Vote of the whole Board, but no way to infringe the Liberty of the House; and so in Obedience to Your Lordships, as near as I could, with a great deal of Weakness and Infirmary, I have said as much as I can



can for the present recollect, towards the making good the Truth of my Preamble.

1641.

And I conclude with this humble suit, there being some Exception took at some Words that fell from me, Many mens Tongues and Mouths may offend, where their Hearts do not: And that in truth I may say, my Heart did not offend against that Reverence and Duty I shall always pay, on all occasions, to the Honourable House of Commons, and every Member of it; but to others, that are neither Members of this House, nor of the House in *Ireland*, I meant what I said: And I do beseech the Gentlemen of the House of Commons to accept my Acknowledgment of this truth: and that my Words may not be any ways raised against me as a Cause of their thinking worse of me; or that I should be peccant or offending, in having other thoughts of the Members and Proceedings of the House, than with all Submission, and all belief of the Equity of it.

To which Defence Mr. *Pym* replied.

**W**Hat I have said in Answer of the Preamble, was not by way of Charge, but only for disproof of that whereby my Lord of *Strafford* would take away, or nullifie the Charge. So that if the Charge remains in force, the Services performed by him, are not effectual to mitigate it.

That what we have proposed still stands unavoided, as we conceive, notwithstanding any thing my Lord of *Strafford* hath said.

That as concerning Sir *Pierce Crosby* his agreeing to the Transmission, if that be true: That there is a preparative part of the Law, and there Sir *Pierce Crosby* might speak as a Councillor; But there is a Legislative part of the Law, and that is done in Parliament; and these being distinct, if Sir *Pierce Crosby* did do any thing at Council-Table, it deprived him not of his Liberty to speak in Parliament. But we are informed, he gave his denial to consent to the Transmission.

And if my Lord of *Strafford* were not guilty in his own Person of breach of Priviledge; yet if under his Government, Priviledge of Parliament be broken, it is no matter of Merit to say, he procured Parliaments.

It is no Answer to say, things are not proved, when any thing we urged, is contained under an Article; for then he refers the proof when he comes to the Article; as many things concerning the Lands of the Clergy, will be made good in the proofs of the proper Article.

That he hath preferred many Divines; that is no part of his Merit, nor takes away his fault, though it be true.

That for the Value of his living, we never heard of it till on this occasion; but be it small or great, it is nothing to justifie my Lord of *Strafford*, being offered to this purpose; That though his Lordship were careful of the Lands of the Ministers, He was not careful of the Ministers themselves, in suffering a Groom to execute that high Function; Ministers being not to be chosen according to the Quality of the Living, but according to the Quality of the Function.

That for the matter of Monopolies, if his Lordship do stop any, he may stop them for sinister Reasons and Respects; and however, there is no Compensation, doing his Duty in one thing, not satisfying for Neglect in another.

And then concluded, That what we have not now replied unto, shall be made good in the Charge; and ought not in their Lordships Opinion, make my Lord of *Strafford* more plausible; for the Charge shall be made good against him in the truth of the Fact, and the Aggravation of it.

Hereupon the Court was Adjourned, and the Committee directed to proceed to the Proofs conducing to the particular Charge, the next Morning.

The Court being sate, upon *Wednesday, April 24th.* the Lord High Steward, acquainted the Commons, That the Lords had resolved, that Sir *Pierce Crosby* should be examined, and the validity of his Testimony left to the Judgment of their Lordships.

*Wednesday  
April 24*

Mr. *Mainard*, one of the Committee of Managers, then opened the Charge in a Speech as followeth,

My



1641.

My Lords,

**Y**our Lordships have with admirable Patience attended the Charge that hath been read, and the Answer, and the Exceptions taken to the Preamble which my Lord of Strafford to inerrate himself did make to the main of his Defence.

My Lords, I shall repeat little of that which hath been said, only pardon me if I say this to your Lordships, That whereas my Lord of Strafford Answered to very many particulars, yet to that main one he Answered not, which was principally objected against him, which I therefore speak to put his Lordship in mind of it, that if he can he may Answer: and that is, your Lordships were pleased to hear the Complaints and Protestation of the whole Kingdom of Ireland read before you, the principal of their Aim seems to be to take off the Extolling of my Lord of Strafford that himself or his Agents had put upon him in a Bill of Subsidies, wherein indeed the Praise and Honour due to His Majesty, was much Attributed to my Lord of Strafford, which grieved the Parliament, who would take it off, and my Lord of Strafford is now willing to lay it down; and he doth well to do so when he can keep it no longer, when those from whom he took it by fraud or force, would wrest it again from him. I desire your Lordships to remember, and I am sure you will, That the main of our Complaint is, His alteration of the fundamental Laws against Will; His introducing of new Laws at his Will and Pleasure: This is not only the Cry, but the Testimony of a whole Kingdom before your Lordships; of all the Lords and Commons of Ireland.

I shall not touch that which concerns breach of Priviledge of Parliament, he would fain put that off on Sir George Ratcliff, his bosom Friend, and put it off himself. My Lord of Strafford Sequestred Sir Pierce Crosby from the Council, his Vote went with it, others joyned with him; but I am sure he moved it, he concurred with it.

But now, My Lords, I humbly Address my self to that we are ready to mantain, The Body of the Charge: And because some time hath been spent between the reading of the Charge, and the main of the Defence, I desire leave to open what is the Nature, what the Height and Quality of the Offence, of which this great Lord stands Accused before you?

My Lords, It is a Charge of the highest Nature that can be against a man; A Charge of High Treason. It is a Treason, not ending and expiring in one single Act of a discontented Heart, but a Habit, a Trade, a Mistery of Treason exercised by this Great Lord, ever since the King's Favour bestowed on him.

My Lords, It hath two Evils to deprive us of that which is good; That is, to subvert and take away the fundamental, the ancient Laws, whereby we are secure of whatsoever we do enjoy; it hath (My Lords) a positive Evil in it, to introduce instead of that an Arbitrary Government, bounded by no Laws, but by the Evil Councils of such Ministers as he hath been.

My Lords, It is the Law that gives that Sovereign Tye, which with all Obedience and Chearfulness, the Subject renders to the Sovereign. It is the Law (My Lords) that gives Honours to the Lords and Nobles; Interest, Property, and Liberty to the Subject.

My Lords, The Law, (as it is the Foundation and Ground of all these) hath its distribution in a course of Justice. Justice is derived (as by so many Channels) by the several Courts of Justice; whereby the King's Justice (for it is His) is brought and conveyed to the Subject.

My Lords, Of all this hath my Lord of Strafford endeavoured, not only to put the Subject out of present Possession, but to make him incapable of the future Benefit of it.

Other Treasons, yea, a Treason against the Person of a Prince (which is the most Transcendent and High Treason that can be) fall short of this Treason; For a good Prince may be gathered to His Fathers, yet another may succeed him, that supports the Glory and Justice of his Throne. We have had Experience of it: When blessed King James was taken from us to Heaven, Sol occubuit & nox nulla secuta est. But if any one such a design as this should take effect, That the Law and Justice should be taken from the Throne, and Will placed there, we are without hope of ever seeing Remedy.

Power in so great a measure taken, is not easily laid down, unless it be by the exceeding great goodness of so merciful and just a Prince as we have.

My Lords, The Particulars of this Treason are Conveyed to your Lordships in 28  
several



several Articles. I shall shortly and briefly touch but the Heads of those on which I shall insist, and give some distribution of them. And I think the best way will be this; To consider first what he did, and what he said, before he went into Ireland; then what he did and said there; and what he hath done since. And in all of them, you will find this his main design, which I have opened, That Law might no were stand against his Will; and to settle it, that he might continue so.

My Lord hath declared this in incroaching Jurisdiction where it was not, in exercising an Arbitrary Power under that Jurisdiction; in taking on him a Power to make Laws; In Domineering and Tyrannizing over the Lives, the Liberties, the Goods, the Estates, and whatsoever is the Subjects.

And ( My Lords ) this hath he done, not only on those of the meaner sort that could not resist him, but on the Peers, on the greatest and most ancient Nobility of Ireland: And what might your Lordships expect, but the same measure at his hands, had his Will had its passage here, which it had in Ireland. I shall come now to the particular Articles.

1. And first, Whereas it pleased His Majesty to place him with Power and Honour in his hand in the North as President, he had not been long there; but that Commission which bounded and pleased his Predecessors, he must needs surmount and overgo. There was a Commission in 16 Jac. which the then Lord-Deputy had, in which was that Legal phrase Secundum antiquum cursum, his own Commission 4 Car. pursued that, without any alteration; but being in but four years, this would not please his boundless Ambition, he must needs have the Power that the Lords in the Star-Chamber have put in express terms, a Power to proceed according to the course of the Chancery, that his Conscience might limit other mens Estates; That his Injunctions might stay other Proceedings at Law: And which is highest of all, if any thing be done in that Court; within these Instructions, then no Prohibition should be Awarded. He would make himself safe from any supervising of other Courts.

If he Committed any man to Prison, though a Habeas Corpus were granted (then which, the Subject hath no other remedy to vindicate his Liberty) the Officer (for the encouragement of those which be under his Power) must not obey it. And if any Fine be put upon the Officer, then comes a command in this Commission, That the Fine shall be discharged; so he not only takes a Power to himself, but also takes the Scepter of Justice out of the King's Hands; for by this means there is an impossibility the Subject should have the justice that my Lord knows is due to him; and he knows it right well: for when he was a Member of the House of Parliament, it was his own motion, who now stands at the Barr, That all the Officers and Ministers of State, shall serve the King according to that Law, and he is the first Officer and Minister of State, that breaks it; and in the most transcendent degree that ever it was broken.

My Lords, He doth in this, as much as in him lies, say to the Laws, Do your worst; You can but Fine, and that you can do shall come to nothing; the Fine shall not be paid, The Officer shall not obey you.

If this had been a single Act, we should never have accused him of this Treason, though it comes very High, and very Transcendent. But the Oppressions and Injustice, the Counsels and Speeches that we present to Your Lordships, we present them not singly, but as together, designing and noting, what a Treasonable purpose and disposition is in him.

2. My Lords, The next thing he doth when he is in the North among the Justices of the Peace, and the People attending for Justice, you shall see what Encouragement he gives them to look for it; and how foul a thing he dares to fling on the Sacred Majesty that did advance him. He tells the Justices that were to do Justice, and the People that were to receive Justice, That some of the Justices were all for Law, but they should find, The King's little Finger is heavier than the Loyns of the Law. Your Lordships may consider what a transcendent Speech this was, out of whose Mouth it came, what sad Accidents happened upon it; nothing could move this Lord to utter it: but his Will and his Violence must out, though he burst a Kingdom in pieces for it.

3. The next thing is this, When he goes into Ireland you will find his Temper and Spirit not a whit Allayed; but now being further from His Majestie's Person, he is higher in his Power and in his Will. It is true, that Kingdom was annexed to this many years ago; but they that now possess the greatest part of it, are Subjects of this Kingdom, descended from them that went from hence thither. Yet he tells them in a solemn Speech, not suddenly but solemnly, That Ireland is a Conquered Nation, and the King might



1641.

do with them what he would; and that their Charters were nothing worth, and bind the King no longer than he pleases. Surely (My Lords) We might see what he would do if he had Power. But God be blessed, we find not the disposition any where resenting by His Majesty; and we hope that such Councils shall never have Access to so good and gracious an Ear.

4. The next thing, he stays not in words, but will be as good as his word if he can; and he begins high. For that we presents next, is a Peer of the Kingdom thrust out of his Possession by my Lord of Strafford's Order; and when he Sues at Law for recovery of his Right, my Lord Threatens him. Truly Threatnings are not good, in such a case, where a man Sues for Justice, And from him that ought to Administer Justice, and further him in it; yet he Threatens him Imprisonment, to which Peers are not ordinarily liable.

First my Lord tells him, He will not have Law nor Lawyers question his Orders; he might debar the Lawyers in some Cases, but why a man should have a Spleen at the Law, that his Orders should not be examined by, that I know not. And he goes higher; for when there was an occasion to speak of an Act of State, he tells him, That he will make him and all Ireland know, that as long as he had the Government there, any Act of State made, or to be made, should be as binding as an Act of Parliament.

My Lords, He cannot go higher in Speeches than this, That an Act of State of his own making, and his own Power, should be as binding as an Act of Parliament.

Nay, he tells them in Parliament, That they were a Conquered Nation, and must expect Laws as from a Conquerour.

5. Next we shall shew divers Instances wherein he exercises Power over the Lives, Lands, and all that is the Subjects; deduced into several Articles, viz. the 5th, the 6th, the 7th, and the 8th.

In particular, one I shall be bold to open, That is the Case of my Lord Mountnorris, another Peer of that Kingdom, and a great Officer there. Some words fell from that Lord, speaking of one that had trodden on my Lord of Strafford's Toe, That he hoped the Party did it not in Revenge; for he had a Brother that would not have sought such a Revenge. For these words, spoke at a private Table, half a year, yea seven months before, my Lord of Strafford calls a Council of War, and judges his Lordship to death.

My Lords, It is no wonder that he would make the King's little Finger so heavy, that could make his own Toe heavy enough to tread the Life of a Peer under his Feet.

And he did not only give Sentence in that Case, but caused Execution to be done in another Case, upon one D. who was condemned by Martial Law, and hanged at Dublin, where there was no War at all.

Other particulars will follow when I fall upon proof.

9. Then he comes to make Laws; and that is in the 9th Article. By the Laws of England and Ireland too, the Ecclesiastical Power is distinct from the other, it not extending to the Imprisonment of the Person, but is to attend the King's Courts, and to receive directions from thence; yet he makes a Warrant to the Bishop of Downe, (and he made it to others too) That if any of the poorer sort did not appear upon the Bishop's Citation, or not obey when they did appear, they should be Attached and Imprisoned; Here he makes a Law of himself, and subjects the Liberties of the Subjects to his own Pleasure; but this was for the poorer sort of People, though Justice sees no difference in matters of Estate, betwixt Poor or Rich: But when he hath brought it on the Poor, he will afterwards bring it on the Rich.

10. The next is a Power of laying Impositions on the Subjects: First he is a Farmer of the Customs, he puts excessive Rates upon the Commodities; that which is worth but 5 s. as the Hydes, he will have valued at 20 s. and the Wool, which is worth 5 s. he will have it valued at 13 s. 4 d. and by this he takes away, in effect, whatsoever the Commodity is worth; for the Customs come very near the Value.

Another particular in this I shall be bold to open, and I hope his Lordship will provide to give an Answer, He hath advanced by this the King's Customs, and a Rent of 1350 l. is increased to the Crown: But it will appear to your Lordships, that the Crown hath lost, and he only hath gained. And whereas my Lord of Strafford says there was no other Defalcations in his Patent, than in the former, that will fall out to be otherwise; for this is the State of the bargain.

There was a former Rent of 9000 l. which the Duke of Buckingham paid out of this Farm.



*Farm.* On the Earl of Strafford's Patent that Rent is reserved, and as much as came to 1350 l. more, but in lieu of 1350 l. advanced to the King, my Lord of Strafford hath in his Grant the Surplusage of Wines (which were not in the Duke's Patent) worth 3400 l. a year, besides a Rent paid for the Term of the Wine of 1400 l. And whereas there was no defalcation of the Customs of London-Derry and Colerane in the Duke's Lease, which amounted to 1500 l. a year; my Lord of Strafford must have a defalcation for them: And then the Seizures, which were 500 l. a year; and for Knockvergus and Straniford 2500 l. a year, so here is above 5000 l. a year less to the Crown, in lieu of the advance of 1350 l. a year, besides the increased Customs, amounting to 12000 l. a year: And yet he again hath far exceeded this proportion. We say further, he doth not only impose on the Subjects, but takes away that which is the Subjects utterly and entirely, as in the case of the Flax. It is true, the Employment of it belongs to Women; but it is the greatest Commodity (one of them) of that Kingdom, and of greatest profit; the Revenue of the Custom of it being 800 l. a year; and this he hath gotten into his own hands and possession. This he got from the Natives, and took it to himself. He doth for that purpose, issue out a Proclamation, That they shall use it in such a way wherein the Natives were unskill'd, and if it were not so done, it should be seized: and it was seized accordingly, yea their Houses broke open, and their Goods taken away, and brought to my Lord of Strafford's House, where they were employed in his works. The like we shall instance in Tobacco.

15. Next we shall shew to Your Lordships how he hath levied War upon the King's Subjects. We opened in the beginning, what an Arbitrary Jurisdiction he set up; here we shall shew how he used it by a meer course of Enmity and Hostility. For (My Lords) this was the course; If a Decree or Order were made by him, and not obeyed, he issues a Warrant to the Serjeant at Arms, to go to the next Garrison, and take Soldiers, with an Officer, and carry them to the House of the party in question; it is no matter where it was, but to the House of them that were pretended to be disobedient, they were to go: If the Decree had been to raise so much money, or to put parties in possession. In plain terms, the Soldiers were to lye like Free-booters, and Enemies on the King's People to eat them up. They have killed their Sheep, their Oxen, and they have lain not on the parties only, but on their Tenants, till the party comes in and renders himself. They have burnt their Houses, taken their Wives, and Friends, and carried them away, till Obedience was rendered, and this is a levying of War upon the King; For the King and the People are both so united in Affection and Right of Law, that there cannot be Violence offered to the King, but it redounds to the People; nor can any Oppress the People in this sort, but it redounds to His Majesty. Besides, it is contrary to a Law of that Kingdom; whereby it is Enacted, That if any person shall assess Horse or Foot, on any of the King's People, without their consent, it is High Treason.

The next thing we shall go to, is the Favour he shewed to the Papists, in their Compositions and Exemptions from all penalties of Law; for they were expressly not to be proceeded against, nor to be Convicted; and so that which hath influence i. to Religion and Reformation, is quite taken away, and nothing but matter of Profit is left.

The next Article is that that concerns the Kingdom of Scotland. First he begins with them in Ireland; contrives an Oath, which is set forth in the Articles, That they shall obey the King's Royal Commands without exception. This he enforceth, by Fining and Imprisoning them that disobeyed him: And so in all the other particulars when his Proclamations were broken, his course was by Fine and Imprisonment to enforce an Obedience.

My Lords, He doth not only press them in their Estates, but strives to infuse into His Majesty an ill Opinion of them; he provokes and incites Him by all his Arguments, to lay down his Mercy and Goodness, and Justice, and to fall into an offensive War against that Kingdom. He gives out, that the Nation of them (not this or that man) are Rebels and Traytors: And if it please the King to bring him back to the Sword (indeed he is fit for that, it is a violent weapon) he will root out the Scottish Nation, Branch and Root; some few excepted of those that had taken the Oath.

When he comes into England, he finds that His Majesty, with great Wisdom, had pacified those Storms and Troubles that threatned us there: Yet he doth incense the King still to follow this to an Offensive War, and prevails; He plots to call a Parliament, but with an intention (if it furnished not his design) it should be broken, and he would set up other ways of force to raise Moneys of the Kingdom; and this fell out unhappily: For thus far his project took, the Parliament was broken, and broken at the very time when the Subject was in debate and consideration, how to have yielded Supply to His Majesty.



1641.

But that he might break it, he falsly informs the King, That the Parliament had denied to Supply him; there is his Counsel, that the Parliament had forsaken the King; and now the King having tryed his People, might use all other ways for the procuring and raising of moneys; and the same day wherein that Parliament was unhappily Dissolved, he gives his further Counsel to His Majesty, (which because no man can put such a Spirit of Malice into the words besides himself, I shall take the boldness to read) That having tryed the Affections of his People, he was loose and absolved from all Rules of Government; and he was to do every thing that Power would admit. And that His Majesty had tryed all ways, and was refused, and should be acquitted both of God and Man. And that His Majesty had an Army in Ireland, which he might employ to reduce this Kingdom. It is added in the printed Book (to reduce them to Obedience) I know not who Printed it, but the Charge is only (to reduce this Kingdom.)

And (My Lords) you may please to consider, what a sad time this man took to reflect upon these bad Counsels, when our Hearts were swoln with Sorrow for that unhappy breach of the last Parliament. And what doth he advise the King? what positions offers he? That he was absolved from all Rules of Government. If there be no Rule of Government, (My Lords) where is the Rule of Obedience? for how shall the People know to obey, when there is no Rule to direct them what to obey? He tells the King he was refused, which was untrue; for he was not refused to the last breath we had in Parliament: but we spake in that point, how to supply the King, and to prefer it at that time, before the Complaints of our just Grievances.

But what doth he fall into? that which in another Article we charge him with, a Plot and Conspiracy betwixt him and Sir George Ratcliffe to bring in the Irish Army for our Confusion, to root out our Laws and Government; a pernicious Counsel. He says not you shall do it; but he that perswades it, doth as much as if in expresse terms he had counselled the acting of it. Doth he mean that we should be to his Irish Pattern; (for speaking of the Irish Army consisting of Papists and his Adherents, he said, that he would make it a Pattern for all the Kingdoms;) did he mean to reduce us to the Pattern that he hath placed in Ireland? Surely he meant to reduce us to a Chaos and Confusion. He would have us without all Rules of Government; and these be the means, wicked and cruel Counsels, and the Cruelty of an Army inspired with his Spirit, and consisting of Papists, Enemies of our Religion: And what Mercy could we of this Religion expect from Popish Enemies with Swords in their hands? That cannot but strike all English Hearts with Horrour and Dread, that an Irish Army should be brought into England to reduce the Subjects of England. I hope we never were so far gone in anything, as that we should need an Army to reduce us. I cannot but say here is the Counsel of Haman, when he would in one day cut off all the Jewish Nation, and have the King intend a Favour to him. The King propounds a question, What shall be done to the man whom the King will Honour? Haman thought in his heart, Whom will the King Honour but my self? And so my Lord of Strafford having raised this Army, it was set up by him; and if such a Counsel as this was entertained, into whose hands should it be put? (here were Haman's thoughts) who should have the Power of it, but he that hath inspired it, and since maintained it?

Truly (My Lords) it was a desperate Counsel; and methinks the Counsel of Achitophel might have been compared to it: for when he had stirred up the Rebellion of Absalom against his Father, he perswades Absalom to that which might breed an irreconcilable hatred between them. Yet a Father and a Son might be reconciled. But he that adheres to the Son in this case, might not so easily forgive. Therefore this Lord falls upon a Counsel which he thought would never be forgiven. A Counsel of irreconcilable difference, to subdue us by Force and Power; and takes away all possibility of Addressing our Complaints to the King, as he had done from those of Ireland; when he not only forestalls their Complaints, but by a Proclamation takes order, that none should come over too, without his Licence; which was in effect, that none should complain of his Oppression without his good liking.

Some violent Speeches he uses, suitable to these Counsels, That no good would be done upon the Aldermen, till they were hanged; That the French King employed Commissaries to looke into mens Estates; which will be insisted upon in their proper place.

Next, he levied eight pence a day for maintenance of the Trained-Soldiers, against the Will of the Country, which he said was done by the consent of the Lords of the great Council;



Council; which we know is untrue. And we shall prove it untrue in the other part, where he says, it was done freely, by consent of the Gentlemen of the Country: Most of them that did consent, were his own Friends and Papists. But the Petition of the Country, (as to that part of it that concerns a Parliament) he rejected, because he would have no Parliament. And he prefers another in the name of the Country, and that he calls, The Petition of the Country.

And now I shall apply myself to the proofs; and shall take care to offer nothing, but what will fall out to be proved. And shall first apply myself to the first Article, concerning the Commission for the North parts; where an Arbitrary Power was thereby granted, as is used in the Star-Chamber and Chancery.

In the opening of it, first we shall produce the Commission of 8 Car. and that of 13 differs but little from it. We shall shew that these Clauses were procured by him to be inserted upon occasion of a Gentlemans, Sir Thomas Gore being Fined in the Court of Star-Chamber there, and his being Arrested by a Warrant from my Lord Wentworth here in London. We do not go about to prove that he solicited for this Commission, but that he expressed his desire of it; and upon that it was granted.

We shall prove that it was executed in this high manner, that when Prohibitions have been taken out, he hath punished the parties, some he hath threatned; Nay, Moncy hath been given to those that were Defendants in the Prohibition. And we shall offer this too, The Judge is dead before whom it was; but upon occasion of a Prohibition, he went to a Judge, a Reverend and Just man, Mr. Justice Hutton; what was said privately between them, we cannot tell; but we shall prove, that Mr. Justice Hutton complained with Tears in his Eyes, how that Lord used him about a Prohibition: And so we shall leave this Article with this. We shall not go about to prove Decrees, for which he might have Colour; but for these Clauses he could have no Colour, they never being in any Commission before.

Then the first Article of the Charge was read, to which the Reader, for avoiding Repetition, is referred.

The Commission granted 21 March, 8 Car. to act according to Course of Star-Chamber, was read, and they insisted upon the 19th Article, where it was provided, Fines imposed should not be less than those by Act of Parliament; upon Article 23. for Injunctions to stay proceedings in any Court at Common Law; Article 28. for the Power of the Serjeant at Arms to attach in any place in the Realm of England; 29 Article, That no Prohibitions should lie in the Courts at Westminster.

To these John Gower deposed, That his Father was Arrested in London, appealed to the Council, pleaded the Precincts of the Court did not Extend so far; that the Earl fell on his Knees and besought the King, That if his Instructions would not reach to bring in a Delinquent that should step over the Water, he might leave the Service, and lay his Bones in his own Cottage. Evers Gore swore to the same effect.

John Musgrave deposed a Prohibition in the Case of Musgrave and Vaux, which the Lord President said he would not obey.

F. Thorp deposed, That my Lord told him he was one that opposed him, that he should hereafter hear further from him; That his Lordship put him out of the Commission of the Peace, but he could not say he punished him for the Prohibition; That he durst not move for any Prohibitions, knowing well the price of my Lord Strafford's displeasure. That for saying in the Traverse of an Indictment, That the bare Indictment was no Evidence to the Petit Jury, and that he appealed to the Judges, he was sent for by a Pursevant, and that my Lord told him, he would teach him to know there were other men for him to complain to, viz. the President and Council. That for this opposing the Jurisdiction of the Court at York, he was bound to the Behaviour, and forced to make submission at the Sessions.

Then

John Gower.

Evers Gore.

John Musgrave.

F. Thorp.



I 6 4 I.

Then my Lord was called upon for his answer; he desired a little time to retire to rest and peruse his Notes; which the Managers opposed; but the Lords allowed him to do it at the Barr.

After a little Respite he made his Defence, *He said there was a great difference between Treasons and Misdemeanors; that there was nothing in this that can be Treason, and that if a Thousand Misdemeanors will not make one Felony, 28 Misdemeanors could not be heightned into Treason; That if his Accusations be not Treason, he ought to be admitted Council; that he had no leave to summon a Witness till Friday last, which was a little severe, however he answered,*

*That as to the Instructions and Commission he did not procure them, or knew any thing of them; that the Commission was renewed of Course, Sir Arthur Ingram going out, and Sir John Melton succeeding as Secretary. That the King's Council of the Fee offer such things as may advance the King's Service, and that from them it passes to the Lord Keeper or Chancellor; That he gave no Directions about it, nor was any proof offered that he did: as to the Execution he never did Act, nor stay a minute as President after that Commission granted, which appears by the Date, which was 21 March, 8 Car. and he went towards Ireland July following; and being neither privy to the taking out the Commission nor Execution, he appealed to their Lordships and the Gentlemen of the House of Commons, Whether he could be Criminal; That if there be an Error in a Judge, so that he gives a Sentence otherwise than a man of better Understanding conceives Reason for, there is no cause it should be heightned to a Treason, to take from him his Life and Honor, merely because he was no wiser. That what Mr. John Gore speaks to is not in his Charge. That to what Musgrave deposeth, he can say nothing but by way of Divination, that he is but a single Witness, speaks not to the Charge; that what he sayes will hardly convince a man of a Trespass, it being Grounded on a Rule in our Law, Boni Judicis est ampliare Jurisdictionem, as far as in Reason and Justice they may. As to Thorp's Testimony which he speaks to, was before the Commission, 8 & 13 Car. and so is not within the Charge. This he proved, that from July 8. 1633. he was out of England, and returned not till 1639. by Mr. Slingsby his Secretary, Mr. Railton, and Mr. Tho. Little, but not upon Oath.*

Witnesses for  
the Earl,  
Slingsby, Rail-  
ton and Little.

To this the Managers rejoined, *That whereas he said the Charge is not Treason, if the Fact appear satisfaction will in good time be given; That though this particular is not Treason, yet all the parts of it amount to the subversion of the Laws of the Kingdom, that is prest as Treason and this as an Evidence.*

Then they fell upon that Expression in the charge Art. 2. that at a Publick Assizes he should say, *That some of the Justices were all for Law, and nothing would please them but Law; but they should find that the King's little finger should be heavier than the Loins of the Law.*

This they indeavoured to prove. Mr. William Long deposed, That he heard him say the words; Sir Thomas Leyton deposed the same, and the deposition of Marmaduke Potter, deceased since his Examination, was read, being to the same words.

Witnesses,  
William Long,  
Sir Thomas  
Leyton, Mar-  
maduke Potter.

To this he answered, *He could not possibly be guilty of the words as laid in the Charge, which sayes it was August, after the 21 March 8 Car. at what time he was in Ireland; but he would not stand upon Niceties, that truth might appear; that the words he spoke were, That the little finger of the*



the Law was heavier then the King's Loins; which agrees with the occasion; for Sir Thomas Leyton Sherriff Levying with great rigor some Knight-hood-Money, which was paid before, but by some Error above sent down again, upon which he desired Sir Thomas to return the Money, and he would see him discharged in the Exchequer, it being so great an Injustice to the Persons; and to satisfy the Country, he told them the Commission was of Grace and Favour, applying those words before recited, that none of the Witnesses took notice of the Occasion.

Dr. Duncomb being demanded what he knew, deposed for the Earl, That Sir Edward Stanhope told him in the presence of divers, that my Lord had said, That speaking of the Prerogative as easier then the Common Law, he heard him use the words before recited. But Sir William Pennyman positively averred it to be as my Lord had declared, at which the managers took great Exception, saying, He did his duty well being a Member, not to inform the House before. The Earl desired he might not be prejudiced for his Testimony, professing he would put himself upon God's Mercy, and not make use of any member of either House, though his principal Witnesses were of them, rather than be guilty of the Injustice of overthrowing another to save himself.

Then Sir David Fowles was offered as a Witness, but my Lord excepted against him, being then a Prisoner in the Fleet at my Lord's Suit. But he was over-ruled, the Evidence being for the King. He deposed positively, That he heard the words, but the occasion he did not remember, but being interrogated as to the occasion a little after, he answered, That before my Lord went to Ireland he made a Speech to the Countrey, and desired them to go on in their Service, and to break out in these words; which as it contradicted the former Evidence as to the Occasion, so he contradicted himself, saying but just before he could not well remember the Occasion.

Sir William Ingram deposed the words, but could not remember the Occasion.

To this the Earl replied, That admitting the words spoken, yet they were not Treason, and referred that as a point of Law in due time to be argued by his Council; and the Managers adding they had proved the Fact, the Court adjourned.

This day they proceeded to the Third Article, That the Earl should say, That Ireland was a Conquered Kingdom, and the King might do with them what he pleased; That the Charters of Dublin were nothing worth, and did bind the King no further than he pleased.

The Earl moved that he might add something material to what was spoken yesterday; the Manager opposed it, as contrary to Order. The Earl said it was a Court of Honour, and a Rule to it self, alledging the disadvantage of suddain Answers; but it was denied him. Then he moved the Witnesses might not stand with the Committee, but apart as in other Courts; which was also denied:

Robert Kennyday was produced, but the Earl objected against him as a person Sentenced for Misdemeanors in his Office of Remembrancer, saying, It was his great Misfortune, that all that have suffered under the King's Justice in his Ministry, are ready to be Witnesses against him. But the Manager replied, If he was guilty of Extortion, yet not of Perjury. So he was sworn and deposed positively, that he heard the words Sept. 30-1633 spoken at the Presenting a New Mayor of Dublin.

The Earl of Cork was sworn, against whom the Earl Excepted, in regard of an Information against him, which under his hand and Seal he had confessed and acknowledged himself in the King's Mercy, for which he

1641.

Witnesses,  
Dr. Duncomb  
for the Earl,  
Sir William  
Pennyman.

Sir William  
Ingram.

Thursday,  
March 25.  
The Fourth  
Day.

Robert Kenny-  
day.

Richard Earl  
of Cork.



1641.

he might be supposed to be displeased at him for something done in that Cause. To this it was said the reflection was unfit, the Earl of Cork being a Privy-Councillor; so he was admitted: He said *he came over with a Resolution not to complain, and left his Papers behind him, that he might have no temptation to it,* but deposed positively the Words in the Charge.

Lord Gormin-  
stone.

The Lord Gorminstone also deposed that he heard the Earl speak those words at another time in open Parliament; *and that the Commissioners who drew the Instructions for the Government of Ireland, were a Company of narrow hearted Commissioners.* The Lord Kilmallock deposed the same; Sir Pierce Crosby deposed the same.

Lord Kilmal-  
lock,  
Sir Pierce  
Crosby.

My Lord of Strafford after a quarter of an hours respite made his Defence, *That he had observed the Natives of Ireland have not been Propitious to their Governours;* he instanced in Sir John Perrot, on their Testimonies attainted of Treason in a legal Ordinary way, who lost his Estate though not his Life, and yet after it was confest there was little truth in the Accusation. My Lord Faulkland had the same treatment, being informed against by the same Witnesses, Sir Pierce Crosby, and Lord Mount-Norris, and yet it appeared he had dealt as Honourably, Justly and Nobly to his Understanding, as any man could do; *That it was impossible but in the way of Justice a Governour must give Offence to many, which he intreated their Lordships to consider.* He said, *That though the words were spoken, yet were they not Treason; and had they been Treason, yet by Proviso of Stat. of Ed. 6. the Information ought to be within 30 dayes;* He instanced in the Lord Cook in Calvin's Case, 20 H. 6. 8. Dyer 360. to prove *that the Laws and Customs of Ireland are diverse from the Lawes of England; That he should do Extreemly ill to the Honour of the English Nation, and to the memory of divers of their Lordships Ancestors, if he should not say and think that Ireland is a Conquered Nation.* He instanced in the Stat. 11 Eliz. where at the Attainder of Shan Oneal the famous Rebel, it is said that all the Clergy were assembled in Armagh at the time of the Conquest; *That King Henry the Second is in the Statute called the first Conqueror of Ireland; That all Histories acknowledg it. That he spoke the Words to magnifie the King's Grace and Goodness, and that there was then no offence taken at them. For the other words, That the King might do with them what he pleased, let them relate to the Conquest, and there is no Offence in them.* As to the words spoken to the Recorder of Dublin, he did with the greatest assevetarion utterly deny the speaking of them. Mr. Slingsby his Secretary averred the same, and that the first words were so well taken, that he was thereupon invited to the Mayor's House at a publique Entertainment.

To their Charters being void, he said, *it was Evident they were so in point of Law, as he was informed by the King's Council, for their Non-performance of the Trust reposed in them, appealing to my Lord of Cork that the reason of it was, that most of the Aldermen were Recusants, and would Plead their Charters against the Orders of the Board, by which means many great disorders were continued.*

The Managers Urged, *That this justified a part of the Charge, that Charters were judged by the Board; whereas the Council-Table hath no such Power;* The Earl replied, *It was not to judg their validity, but whether ill Usage and Extortion were not practised under colour of them, and that they were complained of as grievances in Parliament, which the Lord Dillon averred to be true.* To which the Earl added, *That he did it in favour of the Protestants, who were by these Charters depressed by the Ro-*

Lord Dillon.

man-



man-Catholicks, and that he looked upon this which was objected as a Crime, as a service to the Protestant Religion. He said, it would perhaps be well known hereafter when he was in his Grave, that his great fault was his great zeal to bring them to conform to the Church of England. That notwithstanding this they still enjoy their Charters: and for his saying Ireland was a conquered Nation, it was upon the Occasion of pressing them to supply the Crown; for that if the Kingdom of England should still be put to the Charge, and the whole Expence rest on the Conqueror, you might very well think you are so dealt with as never any other Conquered Nation had been; adding, There were Copies of his Speech that would justifie what he said, and that the Speech was in Ireland. That my Lord Ormond told him it was ill resented, To which he answered, Truly my Lord you are a conquer'd Nation, but you see how I speak it and no otherwise, The Lord Dillon averred, that he stood under the Cloth of State, but did not hear the words, That they should expect Laws as from a Conqueror. The Lord Ranulagh remembred the first words but not their last. Sir George Wentworth said, That he brought the Speech to the King, and in that there was no such word.

I 6 4 1.

Lord Ranulagh.  
Sir George Wentworth.

The Managers then Urged, That though this was not in that Speech yet some thing was then spoken though in a milder sence, but it was spoken after upon Occasion of a Petition delivered by the Commons, after they had given the King the Subsidies, concerning their Laws.

To this Mr. Fitzgarret deposed, That there was such a Petition, and that there was an answer given either at the Board or in full Parliament from the House of Lords, but he does not remember any part of it; but afterwards the Earl affirming it was at the Board and not in Parliament, he said, he conceived there were two Petitions, one to the Council, another to the Parliament, about redress of Grievances, but remembers not the Answer. But the Lord Gorminstone spoke positively then, That it was in Parliament upon the Occasion of that Petition, wherein as my Lord Strafford observed, he contradicted himself, having before fixed it on the Speech in the beginning of the Parliament, upon Petition of the Commons desiring the benefit of some Graces his Majesty had been pleased to confer on them. The Lord Killmallock deposed it was in Parliament, 3 or 4 dayes after the delivery of that Petition.

Fitzgarret.

Lord Gorminstone.

Lord Killmallock.

Then the Statute of 28 H. 6. King James's Instructions 1622, and a Proclamation upon them were read, dated November 1. 1625. whereby it was Ordered, That no private Causes should come before the Board, but be referred to their proper Courts.

Then the 4th Article was read, being concerning the Lord of Cork's being disseized of an Impropriation, and saying, That an Act of State should be as binding as an Act of Parliament. The Lord Ranulagh deposed, That the Cases of the Church and Plantations were in the times of former Deputies, Resolved at the Board, and that he never knew any other Titles determined there: But the further Disquisition was put off till the next day.

Lord Ranulagh.

Upon Friday the Earl of Cork was Examined, and deposed, That the Lord Deputy presented one Arthur Gwyn formerly Groom to the said Earl of Cork, to a Rectory of which he had been possessed as Tenant to the Crown 35 Tears; that taking out Writs to arrest Gwyn the Earl bad him recal them, or he would clap him in the Castle, and that he would not have his Orders disputed by Law nor Lawyers; that he desired Gwyn being Poor he might

Friday Mar. 26.  
Earl of Cork.



I 6 4 I.

John Waldron,  
John Kay,  
Lord Killmallock,  
Sir Pierce Crosby.

The Earl's Defence.

Lord Dillon.

Sir Adam Loftus.

might give security, which the Earl said was just, and that it should be so entred in his Order; but that Sir Paul Davis told him that my Lord Strafford found fault with it, and struck it out with his own hand; that making a Lease to an Incumbent contrary to an Act of State, that no Lease should be longer then the Incumbent's Life, and being prosecuted for it, the Earl told him an Act of State should be as binding as an Act of Parliament.

John Waldron deposed the same in the Case of a Lease between the Merchants of Galloway and some others. John Kay deposed the same; the Lord Killmallock deposed the same, and that Sir George Radcliff (my Lord Strafford's Eccho) an occasion of throwing out a Bill, making it felony to have Powder without licence, said the same. Sir Pierce Crosby deposed the same.

To this the Earl answered, *That the Council Board of Ireland was a Court of Record, that it was so in favour of the English Protestants and Clergy.* This he proved by the Lord Dillon in the Lord Chichester's and Lord Grandison's time, *that the Acts of State were by the Judges reputed as Laws of the Land for the present, and proceeded by Arrest, Imprisonment and Fines upon contempt; which Sir Adam Loftus confirmed.* Then the Order which my Lord of Cork mentioned was read, attested and acknowledged to be Sir Paul Davis his hand, where it appeared the Clause my Lord Cork said was struck out was standing still; only my Lord Cork was limited to prosecute within a Year. So what was objected about Gwyn, he said *he was unknown to him*, but produced a Certificate from the University of Dublin, *That he was a Master of Arts of 12 or 14 Years standing; adding, That my Lord of Cork must be an Excellent Schollar, under whom his Groom had so much profited.* For the Words spoken to the Earl of Cork though he had so quick a memory as to swear them roundly as laid in the charge to a syllable, yet they carry their own Contradiction, the Order produced referring him to the Law; at the highest, if the words were spoken they are but indiscreet, and it was severe to be punished for being no wiser than God Almighty had made him, that my Lord is but a single Witness, and he is not prosecuted according to 1 E. 6. cap. 12. That the other Witnesses are Extrajudicial, proving words spoken in other places and times then he is charged withal, and yet that the words may bear a fair interpretation, for that the King being the Law-giver which he hoped none would deny without the Crime of Treason, the King's sentence is a Law in matters not determined by Act of Parliament; that Prerogative is a part of the Fundamental Law, as well as the Property of the Subject; That he had alwayes wished for an harmony between them, and that they might keep in their wonted Channel, if either of them rise above their due heights, nothing could be expected but subversion of the Common-wealth either by Tyranny or Rebellion; That prerogative was like the First, liberty of the subject, like the 2d Table, either both or neither can be preserved, That Prerogative as long as it goes not against the Law of the Land, is the Law of the Land, and binding, being made to prevent a temporary mischief before an Act of Parliament can give Remedy. He excepted against the Lord Killmallock's swearing Sir George Ratcliff to be his Eccho, it being impossible to swear his thoughts. Against Mr. Hoy and Sir Pierce Crosby as persons concerned against him, in point of Interest, and to Mr. Waldron's, That the circumstance qualifies the Words, it being according to a Statute directing that Leases should not be made without reserving the Moiety of the yearly value.

After



After which the Manager replied, That this Article proved the Earl of Strafford's intention to subvert the Government, that whereas he saies they are not prosecuted in time, the Effects continue to this day, and they prosecute him Flagrante Crimine, that threatening the Earl of Cork, was Arbitrary Government, that he hath made it a habit to speake such words, as appears by the severall times, that he himself had confessed the words, that when things are rejected in Parliament, they are not to be supplied by an Act of State. Then they desired to Examin another witness, which the Earl excepting against, as not regular, the Lords adjourned to their House to consider of it, and returning he was admitted, and deposed concerning the Bill for Powder without Licence, to Felony, the Earl told them, He would make it an Act of State, and that should be as Good. To which the Earl replied, It was done by Command, and for reasons of State, not fit to be made publick, to keep Powder out of unsafe hands, but did not conduce to his acquittal or Condemnation.

Upon Saturday March 27. they proceeded to the Sentencing the Lord Mountnorris at a Council of War, thereby Exercising a Tyrannical Power over a Peer of the Realm of Ireland &c.

First the Sentence was read reciting the King's Letter, which commanded a Council of War to sit upon the Lord Mountnorris being a Captain, for inciting Revenge against the Lord Deputy-General of his Majesties Army.

The Lord Mountnorris deposed, That he was called to a Council of War, charged to have spoken words to this purpose, That being told a Kinsman of his had hurt the Lord-Deputies Foot having the Gout, he should say, Perhaps it was done in Revenge of that publick affront that my Lord Deputy did me formerly, but I have a Brother that would not have taken such a Revenge, that he was required instantly to confess, or deny the Charge, that he desired time to answer, but was denied, as also to produce witnesses, to disprove the Lord Moor and Sir Robert Loftus, who upon Oath had affirmed it, that thereupon in half an Hour Sentence was Pronounced against him by Sir Charles Coot Provost Marshal. That the Lord-Deputy in scorn told him, That he might proceed to Execution, but he would Supplicate his Majestie for his Life, and rather lose his Hand then he should lose his Head; that he was committed to Prison, December the 12th and bailed out the 18th, the Physitians making Oath he was in danger of his life, the High oppression and Injustice having thrown him into a desperate sickness, committed again Apr. the 11th, let out May the 2d by reason of Sicknes; recommitted the 30th of January following because he had not sued out his Pardon, and there continued till March 1637.

The Lord Dillon deposed much to the same effect, only he said my Lord gave no Vote in the Sentence. The Lord Ranulagh also deposed to the same effect, and that, during the Debate the Lord-Deputy spake not a word, or gave them interruption. The Earl of Cork deposed, That when the Sentence was read in the Star-Chamber, my Lord-Deputy said he would not lose his share in the honour of it; Lord Dillon testified the same, and that my Lord said it was a Noble and Just Sentence.

Then the Managers proceeded to the proving his Execution of Martial-Law upon another person, and William Castigatt deposed, That one Thomas Denewit was hanged upon the bough of a Tree, as was said, for a quarter of Beef, but knows not whether by a Jury, and he takes it my Lord

I 64 I.

Roger Lotts  
Witness.

Saturday;  
March 27.  
The 6th day.  
Artic. 5.

Lord Mount-  
norris Witness.

Lord Dillon.  
Lord Ranu-  
lagh.  
Earl of Cork.

will. castigar.



I 6 4 I.

Strafford was present. Lord Dillon testified the same, and that it was for stealing Beef, and running from his Colours. The Earl Ranulagh deposed the same, and that the Lord Conway offered Reasons why he should not die for the Fact; his running away being occasioned by his Lieutenant's bidding him, desiring to be discharged, go and be hanged, which he did, leaving his Masket with the Corporal. The Lord Conway said he remembered some such thing, but imperfectly.

The Earl of  
Strafford's  
Defence.

Lord Wilmot.

Lord Dillon.

Sir Robert  
Farrer.

The Earl answered, *That the Lord Deputies have ever Exercised Martial Law upon the March of the Armies as well in time of Peace as War.*

*That the Lord Mountnorris was condemned for Breach of two of those Articles, wherein he was not Judge, he produced the Lord Willmot, who affirmed, That he himself being General, the Lords Faulkland, Grandison and Chichester used it; That in 3 or 4 Parliaments it was never complained of; That to govern an Army without it is impossible, occasions rise on a suddain in an Army, and for Example sake must be suddainly redressed; That there were Provost Martials in every Province. From whence the Earl inferred, he had done nothing de Novo. The Lord Dillon affirmed, That Martial Law had been practised, and men hanged by it in times of Peace; as to Mountnorris his Sentence, he offered a Letter to Secretary Cook, to show that he was a Suitor to the King for him, but it was not permitted to be read. Sir Robert Farrer testified, that my Lord Strafford said, he would give no Judgment concerning the Lord Mountnorris, and that he sate bare in token that he was no Judge; That he desired the Court not to look upon him, but go to the Cause. Sir George Wentworth averred the same, and that my Lord would not permit him to give his Vote in regard he was his Kinsman; That what was done was by the Council of War, and that before they met he did not acquaint them with the business; That his design was only to discipline the Lord Mountnorris, and teach him to govern his Speech with more modesty. To Denwitt he confessed and justified it from necessity, the Army being then upon march to Carlisle, and if not punished, it would have been of dangerous Example, that the Facts were proved, That he had before been burnt in the hand, that the Law justifies him in it, producing several Statutes of Ireland 20 H. 6. c 19. 7 H. 7. c 1. 10 H. 7. which make running from the Colours Felony, and are in force in Ireland;*

The Managers Urged, *That the Statutes were against him, for that Felony is to be Tryed at Common-Law, and so intended by those Statutes. Then the Earl of Ely was sworn, who deposed, That Martial Law was in use in the Kingdom of Ireland, and was two-fold, Summary and Plenary; the first for Rebels and Kerns that kept the Wood; the other in the time of War, in the Field, which ended when the Army was dissolved; that the use of it was rare in regard of the damage to the King, the party condemned losing only life, not Goods and Estate. To my Lord's saying the Nobility lost their blood in the Conquest of Ireland; They said, This way their own blood may be spent in the Peace of Ireland and of England too.*

Monday,  
March 29.  
7th Day,  
Article 6.  
Lord Mount-  
Norris.  
Mr. Anslow.

Upon Monday they proceed to the 6th Article of putting the Lord Mountnorris out of Possession of 200 l. per annum, upon a paper Petition of one Rolstone. The Decree was read, and Lord Mountnorris deposed, *That he was put out by my Lord's Warrant August 29. 1637. Mr. Anslow deposed the same.*

To



To this the Earl Answered, That his greatest grief was, that the Arrow came out of the Quiver of the House of Commons, that in his grey hairs he should be misunderstood by the Companions of his Youth; if the Decree were just, he hoped it would go far in the Case; Justice knowing no privilege of Peers above common persons; that it was warranted by the Statute of H. 6. which saves the King's Prerogative, as also by his Commission, which authorized him to proceed secundum consuetudinem terræ, which was read: That it was agreeable to the practise of former Deputies who Exercised it in the nature of a Court of Requests.

1 6 4 1.  
The Earls  
Defence.

This he proved by Robert Dillon, in the Lords Cork, Ely, Faulkland, Grandison and Chichester's, times of Government, by Orders he had seen under their hands; The Lord Dillon confirming it; and that he had seen several Petitions under the Lord-Deputies hands alone: That he never knew my Lord Strafford meddle with matters of Law; with Equity he hath, which the Earl confessed. He further shewed the necessity of the procedure by Petitions, the Irish being Poor, the person that came against the Lord Mountnorris was in forma pauperis; he produced several Warrants and Orders of former Deputies to that purpose, one from the Lord of Cork, and particularly in the Lord Mountnorris his Case, as appeared by the Decree read; it was for the relief of a poor man whom my Lord Mountnorris had oppressed and violently possessed himself of Lands to the value of 200 l. per annum; that the Lord Mountnorris was kept in prison for contempt at the King's Suit in Star-Chamber, and not for refusing to sue out his Pardon, which he proved by Mr. Slingsby, and Sir Adam Loftus, and had he not had so short warning said he could produce the Orders of the Castle Chamber to make it Evident; which the Lord Dillon also testified, concluding, That having authority from the King, following the Rules and Practice of former Governors, relieving the Poor, who cannot follow a legal Process, not intrenching upon the other Courts, he hoped could never rise up in Judgment against him as Treason either in it self or by application.

Robert Dillon.  
Lord Dillon.

To this Mr. Glyn Replied, That he would not acknowledg a cumulative Treason, but must have Treason over Shoes over Boots; that being charged with Exorbitances destructive of Law, he takes shelter under the King's Prerogative, which was to cast a Scandal upon it before all that Assembly; That his Letters Patents rise up in Judgment against him for betraying that Trust the King had reposed in him ad Custodiendum leges Regni, the Orders he produces come not up to the point, that a Deputy alone hath determined Matters of Possession.

Manager re-  
plies.

Then Witnesses were Examined as to former Deputies, the Earl of Cork, Lord Ranulagh, Sir Adam Loftus, Lord Mountnorris, and Earl of Bath, who all deposed, they knew no Deputy determine in matters of Land in Equity or other wise, but sometimes in Matters of Debt for relief of poor men. To Henry Dillon's Testimony they replied, He had been sentenced at the Council Board for speaking untruths, and produced his acknowledgment testified by Sir Adam Loftus and Lord Dillon; That in the Lord Mountnorris's Case he would not grant his Pardon though directed by the King's Letter, till he acknowledged his Sentence to be just. To this Mr. Anslow deposed the King's Reference, That his Majestie is pleased, that upon such submission as the Lord Deputy shall approve of, he shall have his Liberty to come into England, the Lord Deputy to take Notice hereof, and Order therein accordingly; That the Lady Mountnorris presenting her Petition accordingly upon her knees, was rejected by the Lord Deputy.

Then



I 6 4 I.

The Earl's Defence.

Then an Order was produced and depofed, by *William Brettergh*, That the Earl of Strafford ordered the Poſſeſſion in a Suit, inter Robert Parkhurſt and the Lord Baltinglaſs, and others, againſt the ſaid Lord.

To this, being new matter, the Earl replied, That Parkhurſt had a Clear Title to the Eſtate by Fine and Recovery and diverſe Conveyances; That the Lord Baltinglaſs deſired him to ſee if he could procure him a further Summ of Money from Parkhurſt, and that it was Ordered with their Conſent for the Jurisdiction; if he had the Lord Faulkland's Books of Entries, he could make it appear, that he had alone granted Warrants for attachment againſt Body and Goods, for Diſtreſſes, to Sheriffs for Poſſeſſion of Lands and Injunctions to Judges at Aſſizes. To the deportment of the Lady Mountnorris, a Witneſs affirmed, That the Earl told her when ſhe delivered it on her knees, That ſhe had done him ſo great an injury, that to have broke his head would have pleaſed him better. My Lord Dillon affirmed that he deſired her to riſe, and handed her to her Coach, but received not the Petition, acquainting her, that he was going abroad.

Mr. Strode.

The Manager ſaid, The greateſt Tyranny was the Earl of Strafford's keeping him in Priſon till he ſhould confeſs the Sentence juſt, which in his heart he abhorred and held unjuſt.

My Lord then deſired their Lordſhips to conſider his diſability, and how little time was allotted him, for every days defence; upon which the Court was adjourned.

Tuesday,  
March 30.  
Artic. 8.

The 7th Article was for the preſent paſſed by, and part of the 8th, they inſiſting only upon the latter part of it about the Lady Hibbotts Land, of which he had diſpoſſeſſed her, and purchaſed it to his own uſe in the name of Sir Robert Meredith.

John Hoy.

To this John Hoy was offered as a Witneſs, but the Earl objected againſt him as ſwearing for himſelf, he having Inheritance in the Lands. Notwithſtanding he was admitted and depofed, That the Lady Hibbotts contracted with Thomas Hibbotts for the Reverſion of certain Lands for 1600 l. but Sir Robert Meredith offering the ſaid Thomas Hibbotts 2250 l. he flew off from his Contract; but afterwards for 2500 he perfected the Bargain, and paſſed all the Eſtate that was in himſelf; but having a Son, the Ladies Council informed her, a Recovery was neceſſary; which Hibbotts would not ſtay to perfect, upon which Hoy ſerved him with a Subpœna; That immediately the ſaid Thomas procured a Petition to the Lord-Deputy; to which the Lady and Hoy had time to answer till Thursday; but upon a miſtake in the Answer, my Lord called for the Conſtable of the Caſtle, and commanded a Warrant for the Commitment, of the Council, who fell on his knees and obtained forgivenes; that deſiring Hibbotts might be Examined upon Oath, and they would be bound by it, and his Lordſhip granted a Warrant for it, and he was almoſt Examined when my Lord-Deputy came to the Board and ſaid, Here is a buſineſs proſecuted with violence by my Lady Hibbotts, and an Order procured for the Examination of the Plaintiff, but he would have it damned; That after a Decree was made for Reaſſurance, and the Eſtate was purchaſed for the Lord-Deputy in Sir Robert Meridith's name, that he paid 7000 l. to the ſaid Sir Robert, who told him he took it with one hand, and carried it to the Caſtle with the other.

Tho. Hibbotts.

Thomas Hibbotts was Examined, who depofed much to the ſame Effect.

The



The Lord Mountnorris and the Earl of Cork deposed, *That there were more Votes at the Board for the Lady Hibbotts, then against her.*

I 6 4 I.

The Earl's Defence.

To this the Earl answered, *That the Major part was for the Decree, appears, because there was the Order signed by the Clerk of the Council a sworn Officer, who could not draw it up without the plurality of Voices, being against the practice of the Board. To prove which, he produced the Examination of the Lord Primate, who declared that to be the Practice, and that he hath not known the Earl to press any Member of the Board contrary to his Opinion; That he hath heard him profess he had but a single Voice; Which the Lord Dillon also confirmed, and from the constant Practice sayes, he believes it was a Vote of the Major part; nor remembers my Lord urged any Member to Vote, and that in a Case of the Lord Ranelagh, he would not have the casting Vote, but referred it to an absent Counsellor, who voting against the Lord Deputy, the Order was drawn up so. Sir Philip Manwaring said in effect the same. For the threatening to Imprison the Lady, it is Customary here in Chancery to those who will not perform Orders, and without it there will be no Obedience. To Hoy's Deposition, He is interested and expects a Benefit. Mr. Hybbot a weak Old man sayes backward and forward, but there being a Complaint before the Lords, he referred himself to the time he must answer it; and as for Sir Robert Meredith and Sir Philip Pierceval's saying they were not interested in the Purchase, Hoy and Fitzgarret speak only by hearsay; but when Sir Philip Pierceval is Examined, it would be found otherwise, he having never spoken to him in all his life about that business.*

The Managers concluded, *That notwithstanding what my Lord had said, they had proved his Exercising Arbitrary Power over the Estates of his Majesties Subjects; and though my Lord's Pulse is still beating, that this is no Treason, yet it is an Article to prove the General Charge of Subverting the Laws.*

They next proceeded to the Ninth Article, concerning *his giving Commission to the Bishop of Down and Connor, for attaching all such persons as contemned the Ecclesiastical Ordinances, and present them to the Council-Board.*

Artic. 9.

Mr. Glyn urged it as a thing would fully prove the Charge. The Warrant was read as followeth.

### By the Lord Deputy.

**F**Orasmuch as We have been informed by the Right Reverend Father in God the Lord Bishop of Downe and Conner, that the most frequent Offences against God, and the greatest Contempts against the Ecclesiastical Jurisdiction, are Committed by the meaner and poorer sort of People in that Diocess; whose faults, for the most part, escape unpunished, by reason the Writ *de Excommunicato Capiendo*, is so long before it can be sued forth, and executed on them, that they remove to other parts, and cannot be found; or if they be taken, their Poverty is such, that they cannot satisfie the Sheriff, and other Officers Fees, due for taking them on that Writ; whereby the Officers become negligent, and backward of doing their Duties. We therefore desiring the suppression of Sin, and Reformation of Manners, have thought fit to strengthen the Ecclesiastical Authority of the said Right Reverend Father in God, the Lord Bishop of Downe and Conner, with our Secular Power, and do therefore hereby give Power and Authority to the said Lord Bishop, his Chancellor or

The Warrant to the Bishop of Down and Connor.

Chancellors,



I 64 I.

Chancellors, by their several Officers by them to be appointed, to Arrest and Attach the Bodies of all such of the meaner and poorer sort, that after Citation, shall refuse to appear before them, or appearing, shall omit or deny to perform and undergo all Lawful Decrees, Sentences and Orders, issued, imposed, and given out against them, and them so Arrested to Commit, and keep in the next Goal, till they shall perform such Sentences, or put in sufficient Bond, to shew some reasons before the Council-Table of such their Contempts, &c. willing all Justices of the Peace, &c. in that Diocess, to be Aiding, &c. as they, &c. Given, &c. Febr. 16. 1636.

Tho. Little.

This Mr. Glyn said was a great Invasion upon the Liberty of the Subject.

Sir James Montgomery.

Sir James Montgomery deposed, That the Warrant was Executed with great Cruelty, 20, 30 Names in a Warrant, the Officers beating, wounding and imprisoning them.

The Earl's Defence.

The Earl answered, First this was the Usual Practice, but not satisfied with it, he had refused it, and this was the only Warrant, and that hearing it complained of, he recalled it. To this the Examination of the Lord Primate 7. Interrog. agreed, the B. of Meath having such a Warrant for either the Lord Grandison or Chichester. Mr. Little also attested, That this Warrant was drawn after an Original Warrant of the Lord Falkland's; that it was the onely Warrant my Lord granted. The Lord Dillon also confirmed the Practice. He further requested their Lordships to consider the impossibility of having Witnesses in the Irish Affairs upon so short warning as Friday was Seven-night; That following Presidents, if they mislead him, he hopes it is no Treason to mistake the Law; otherwise there would be more Actions of Treason than Trespass in Westminster-Hall.

Mr. Glyn rejoined, That my Lord Confesses what he did to be above Law; that though this be but a single Act, yet compared with other Exorbitant proceedings, it is a strong Evidence to prove his Subverting of the Laws.

Wednesday,  
March 31.  
Artic. 10.

Upon Wednesday the Commons proceeded to the Tenth Article of the Charge, That he had not only Exercised a Tyrannical and Arbitrary Government over the Lives, Liberties and Estates of the Subjects, but had abused the Crown, by applying to his private Use the Publique Revenue to the great disadvantage of His Majesty. Mr. Maynard stated the Case.

King James Leased the Customs at 6000 l. per annum, and half the clear Profits above the Rent, and 1400 l. to the L. Carlisle for Customs of Wines, the half clear Profits amounted to 3700 l. per annum; in the 7th of Car. a second Lease was made to the Dutcheffs of Bucks, for 11050 l. so at view there is 1350 l. advance; but then the E. of Carlisle's Lease of 1400 l. was taken in, and the surplussage of the Wine-Customs being communibus annis 3000 l. per annum, so that out of the 11050 l. per annum, there is an abatement of 4500 l. per annum, instead of an advance of 1350 l. per annum, besides that in the Earl's Lease the Customs of London-Derry, Colerane, Knockfergus and Strangford, reserved in the Duke's Lease are defalked, valued at 1500 l. per annum, and all Forfeitures, as also an allowance of Custom for Prize Goods, and in the Grant a Clause, That this Grant shall hold whether it be Repealed by Act of Parliament or not. That the



the Book of Rates was increased; so that whereas the Customs were valued at 12000 l. per annum, they were advanced to 40 or 60000 l. per annum.

1641.

All the Leases being read, the Witnesses were deposed; The Lord Ranulagh said, That being a Partner in the Lord Faulkland's time, the surplussage above the 6000 l. was 3700 l.

Lord Ranulagh.

Sir James Hay deposed the surplussage above the 1400 l. of the Earl of Carlisle's Rent was 2387 l. 15 s. 9 d.

Sir James Hay.

Robert Goodwin deposed, That the Customs of London-Derry, &c. amounted from the Year 1634, to 1639, to 1079 l. 6 s. 1 d. and of London-Derry in the same time, viz. 5 Years, to 5348 l. 11 s. 10 d. Henry Brand deposed the same.

Robert Goodwin.

Henry Brand.

To the increase of Customs John Welsh deposed, That out of the Exchequer Book he took these Accounts,

John Welsh.

In the Year 1636 they came to 39936 l.

37 ————— 38889

38 ————— 57380

39 ————— 55582

The Lord Ranulagh deposed much to the same effect. Welsh further deposed the price of Hides 50 l. per Last, being 3 s. 4 s. some 5 s. few above. Wooll 3 s. 4 s. 5 s. 8 s. 9 s. that the highest. From whence Mr. Maynard observed a Hide of 5 s. rated at 2 s; Wooll at 9 s. rated at 13 s. 4 d. in the Book of Rates, and to pay Custom accordingly.

Patrick Allen.

Patrick Allen deposed rates of Hides 4 s. 4 s. 6 d. 5 s. and 6 s. Wooll 4 s. 6 s. 7 s. 8 s. the highest 11 s.

The Earl desired the Article might be read, and then it would appear how pertinently the time was spent in proving it; which he read, and added with submission, There was nothing in it that by any Law could be brought to Treason, and that he was to answer to, and nothing else. That what the King lost by the Duke of Bucks, affects not him; That the Book of Rates was raised in the 7th of Car. which was before his Lease, and was done by the King's Officers; what he is charged with is 9 Car. whereas the Book of Rates was made in the Lord Portland's time. Whether the Rates were reasonable or not, was not to be charged to him as a Crime, much less a Treason. That Tonnage and Poundage is the King's Inheritance in Ireland, by 15 H. 4. That nothing is taken but by that Book. And if the Merchants were to set the Rates, the Customs would be little. That he came not in to the Farm upon his own Suit, but was commanded to do the King Service; and if it prove a bargain of advantage, he never knew the making a good bargain turned upon a man as Treason.

The Earl's Defence.

To this the Lord Cottington Examined, affirmed, That the Earl was brought in as Partner with Sir Arthur Ingram and others by the Lord Treasurer Portland.

Sir Arthur Ingram affirmed to the same Effect, That a Letter was writ from the King, who was informed the Rates were too low, and a new Book of Rates sent over, and that though he had then a  $\frac{1}{4}$  part of the Farm, yet he proposed it to the Council Board, and by the Whole Board the said Book was disadvised; which the Lord Dillon affirmed to be true.

Mr. Maynard replied, That though this or that was not Treason, yet the whole tended to subvert the Liberties & properties of the Subjects, & the Fundamental

Managers reply.



1641.

Laws, and that was Treason: That it was a hard Case for the Subjects of Ireland to have a Governour take a Bargain which all others refused, who must in Appeals of Oppression be both Judge and Party; As for the Letter, it was the Opinion of the Board, and to be attributed to them, and it is to be wondred he submitted to it, and did not rather take them down. That it appears, if Depositions be true, that he and his Partners have gained 300000 l. and that here is not only an inhauncement of Rates on the Subject by way of Extortion, but this is soaked out of the King's Purse.

Artic. 12.

The Committee for the present waved the Eleventh Article, and proceeded to the Twelfth, concerning his Monopolizing Tobacco, whereby he made 100000 l. profit to himself, imposing Sealing upon Tobacco, and punishing the Refusers by Fines, Pillory, Prison and Whipping.

To prove the Restraint and Sealing, two Proclamations were read, which were as followeth.

### By the Lord-Deputy and Council.

#### A Proclamation concerning the Importing of TOBACCO.

By which Proclamation, is set forth in Substance as followeth.

2 Proclamations concerning Tobacco by the Earl of Strafford.

**T**hat whereas unsound Tobacco is brought in, &c. by the Unlimited Liberty of divers to Import, &c. and being no Usual Commodity, &c. a strict Charge is given, That none presume from the First of May next, to Import any Tobacco without Special Licence from Us, on pain of incurring His Majestie's high Displeasure, and the Punishments due for such Contempts.

The Proclamation concerning Sealing of Tobacco was next Read, the 23<sup>d</sup>. of Feb. 13 Car.

### By the Deputy and Council.

Wherein,

**T**he former Proclamation is Recited: And, to prevent Secret Wayes of Importation, a Charge is given from the last of May next, no Tobacco be put to Whole-sale, unless it be in compleat Rolls, which may be conveniently Seal'd, and to be Sold with two Seals, one to be affixed at each end, which Seal, order is taken to be provided for that purpose. That what Tobacco shall be found without those Seals, the King's Officers may search for, and seize, and convey to the next Port, which Course shall be taken, that every Seizor shall have 6 d. for every Pound, as an Encouragement; and, that the Officers shall commit the Persons of such in whose hands such Tobacco shall be found, till Security shall be given to appear before the Deputy and Council, and not to depart without Leave, &c.

Witnesses,  
Tim. Crosby.

To prove the Restraint, Timothy Crosby deposed, That several Ships were prohibited to land Tobacco; That the John of Kingsale being not suffered to unlade at Lymerick because not of the Magazine, was cast away going to another Port; That before the Restraint Tobacco was at 6 d. 7 d. other times 14 d. 16 d. the Pound on Shipboard, and since some at 9 d.



9 d. some 6 d. that the Ships were not suffered to land unless they paid 2 s. the pound, 18 d. Custom, 6 d. Impost.

1641.  
Patrick Allen.

Patrick Allen deposed, That a Ship not suffered to land at Youghall, was forced to go to St. Maloes in France, that before the Proclamation he bought Tobacco at 6 d. and 7 d. a pound; since they pay 2 s. 2 s. 4 d. 2 s. 8 d. 3 s. That the Patentees pay the Merchant 6 d. or 7 d. a pound.

John Welsh.

John Welsh deposed to the same Effect, and that Ireland consumes 500 Tun of Tobacco per annum, which at 2 s. 6 d. per pound, 140000 l. As to Sentencing, he saw Patrick Wells, Merchant, and Richard Whitwick stand on the Pillory for selling unsealed Tobacco, and had heard of more; That he thinks the Book of Censures made in the Castle-Chamber, was sent into England; which Patrick Gough said the same, but the Book was not offered in Evidence; but he hath heard of divers Sentenced, 60 at a time committed for unsealed Tobacco; 3 of Waterford, one sentenced to Fine 100 l. and lose his Place of Waiter; the other 100 l. and the Merchant 100, but reduced to 20 l. a piece; That they were Fined at the Board, and he thinks my Lord Strafford was present.

Patrick Gough.

Then the Sixth Article of the Remonstrance was read, to prove that the value is more than all the King's Revenue certain and uncertain in Ireland.

After some little respite the Earl made his Defence, That he hopes he hath little to answer for as Treason, and wisheth he had so much Profit to answer for as is pretended. Then he produced a Petition of the Commons House, attested for a true Copy by Mr. Gybson, wherein they desired this Lease of the Impost of Tobacco might be taken in and compounded for, and converted to the King's benefit; so that it was on their own Petition settled as a Revenue of the Crown. Which was attested by Mr. Slingsby a Member of that House. Then he shewed the Grant of 13 Jac. where the Impost of Tobacco was let at 10 l. per annum, at 18 d. per pound Impost to William Massam and John Pitt for 7. Years. Then he offered a Lease 8. Feb. 19 Jac. to Mr. Lyne for 21 Years at 20 l. per annum, which was admitted. Next the King's Letter 18 July, 12 Car. for settling the business, which was his warrant; for the Proclamation requiring him, with the Advice of the Council, to settle the preemption by what Limitations and Conditions he should think fit, and to direct a Course for the Licensing the Sale thereof, to the best improvement; yet so as to take care to prevent the bringing in Unsound Tobacco. Then he offered the Contract of Carpenter, Bartholomew, Peatly and others for 11 Tears at 5000 l. the first 5 Tears, and 10000 l. the Six last, freed from Custom, and paying only 3 d. Impost. In which he did nothing but with the assistance of the Council there; That there was an Act of Parliament in agitation to settle it in the Crown; That he always judged a Proclamation Lawful till a Parliament confirms it. As to the Punishments, they were for Perjury, and in terrorem; and where it is objected, That it is not sold at Reasonable Rates, the Contractors are to Justifie themselves, and he doubts not but they can. That to the vast profit of 100000 l. it is admirable, for at his coming away the Contractors were 6000 l. out of purse; and for his gains by the Customs he dealt freely, they were about 4, 5 or 6000 l. per annum better then the Rent, which he thinks is not considerable in the Charge of Treason. He told their Lordships that he could not give a particular account, the Ministers had been so dealt withal, laid in prison and abused, if you will speak of a Tyrannical and Arbitrary way of Government; At which Expression exceptions were taken, but he explained it of Ireland, not of things here; for which he produced two

The Earl's Defence.



I 6 4 I.

Managers Reply.

Article 13.  
Thursday.  
April 1.

Witnesses,  
Benjamin Croky.  
Sir John Clotworthy.

Mr. Fitzgarret.

The Earl's Defence.

Orders for the seizure of his Goods, concluding, it was at worst but a Monopoly, and that he never heard was judged Treason.

To which Mr. Maynard replied, *That this was no good service to His Majesty, that when the Commons shall desire something may be done, therefore any thing may be done; and that it was never their Intention to put such Cruelties upon the Subject; that his Majesties Letter was upon misinformation, that if it had been so, a Monopoly set up in England could not justify the setting up one in Ireland; that his Crime was the greater by endeavouring to justify it under a name so Sacred as his Majesties; That though a Proclamation hath a Temporary Power; yet not to take away the Goods of the Subject.*

This Day the 13th Article was read, wherein the Earl of Strafford was Charged with putting the Natives of Ireland upon working of Flax in a way unknown to them, and seizing their Goods upon pretence of their disobeying his Orders, to his own Use, whereby Thousands were undone. To prove this, his Proclamations were read, as also a Warrant to one Benjamin Croky and his Deputy, to seize all Tarn made contrary to Proclamation.

To this Benjamin Croky sworn, deposed, *That he did seize Tarn, and it was taken from him by one Joseph Carpenter, who converted it to my Lord's Looms.*

Sir John Clotworthy deposed, *That he saw the Proclamation and Warrant being a Justice of Peace, and Examined several People who were abused; which Examinations he sent to the Lord-Deputy, for which he was severely threatned, and hardly Escaped being sent for by a Serjeant at Arms: that upon these Proclamations the Markets were deserted, and they sold it privately to avoid seizure; thereupon the Officers came to him for assistance, and threatned the Constables, and broke open Chests, that he took away the Tarn from them, and restored it to the Proprietors; That this made great Disorders, and many People were starved, losing all they had provided for their half Years Rent.*

The Lord Ranulagh deposed, *That at Athlone Complaints were made to him of one Dennis who had seized a great quantity of Tarn; that conceiving it an abuse, he sent a Gentleman to inform the Lord Deputy, to whose Intention he thought this proceeding not agreeable; and that my Lord withdrew the Warrants.*

Then part of the Remonstrance of the Commons in Ireland was read, shewing, *That the Pursuivants by seizing the Tarn destroyed the Market, that the Merchants meeting the People at private Houses, they way-layd them and took away their Tarn and Cloth, seizing on all, not leaving the poor people so much as to cover their nakedness; That they took away their Iron Pots upon a pretence of another Proclamation, and by this cruelty exceeding Pharoah, their poor Children were forced to eat Grass with the Beasts, where they lay down and died by Thousands, as will be proved by 20 Thousand; That the Judges procured the Lord Lieutenant to Recall the aforesaid Proclamations.*

Mr. Fitzgarret deposed, *That Tarn and Cloth were the staple Commodities of Ulster, that the Proclamation and Execution of it impoverished that whole Province, That the Officers used extreme cruelty, and that one Dr. Cook told him he thought in his Conscience many Thousands were Famished.*

To this the Earl answered, *Here was something like oppression but nothing like Treason; That the Intention of these Proclamations was the Improvement*



ment of the Manufacture for the good of the Kingdom, and to take away abuses. That however the Proclamations are not his single acts but of the Deputy and Council; That he conceives they had Power to bring them to the English Customs, as in other Cases of drawing by the Horse tails, burning the straw to get out the Corn, and such Irish Customs. That his principal design was to prevent the prejudice of the Woollen Manufacture of England, the Wool of Ireland increasing; and he thought, to set up the Linnen Trade would advance Ireland, and not prejudice the clothing Trade of England. That he lost 3000 l. by attempting it; that he cannot be accountable for the abuses of the Officers, of whom Croky was the chief, now a Witness against him, as my Lord Ranulagh has informed their Lordships. That he cannot conceive so many Thousands should be starved by his Looms, when the whole yearly value came not to above 16 or 1700 l. He is sorry for that Remonstrance of the Commons, thinking he had merited a better opinion from that Kingdom, and having a little fortune there honestly got, could not but wish well to it; and he hoped when misinformations were cleared, still to regain their good esteem, where to the best of his Conscience he had done Justice and deserved well. That Mr. Fitzgarret speaks by Report, which is no proof, and the Commons Remonstrance being but a Charge, and not upon Oath, he conceives cannot be the proof of a Charge, concluding as he began, That there might be oppression in the Execution, but nothing of Treason in himself or the rest of the Council.

1641.

Managers reply.

Mr. Maynard replied, That he was still striking the same string, no Treason, though a high and wilful overthrow of the fundamental Rules of Justice in the Kingdom was evident, that a good intention is no excuse to the taking away mens Goods and applying them to his own Use; that the good Company he speaks of, is only to say, he is not the only person that deserves punishment, and he is the less innocent for misguiding and drawing others into such Actions. That he that Commands is more guilty then he that Executes. He says, it was recalled after two years; this was the Effect of the tumults and this, so that it seems he could go no further, and so he left off. That its likely the Commons Remonstrance went upon good information, and that all he said did not amount to an Excuse, having no command as in the Case of the Tobacco.

Mr. Glyn added, That my Lord confessing he lost 3000 l. convinces the point he denies, which was, that it was not to advance Trade but for his own profit, though it proved not so; which the Earl Explained, that he made Cloth 6 or 7 years, and the Cloth it self, not the Tarn, was worth 1700 l. per annum; for the Tarn was not worth 400 l. and in that time he might very well lose 3000 l.

The 14 Article was for the present laid aside, and they proceeded to the 15th, His labouring to subvert the Established Laws, and introduce an Arbitrary and Tyrannical Power; passing by the first part, Mr Palmer who managed the Evidence, insisted upon the 2d part, of laying Souldiers by Warrant upon Offenders; which warrant was given to one Savil a Serjeant at Arms.

Article 15.

Mr. Savil being sworn produced a Copy of the Warrant; against which the Earl excepted, saying, The Original ought to be produced, his Life and Honour depending upon his Trial; and that it were Treason, Savile Swears to justifie himself, he being the Person that executed this Treason.

Witness;  
Mr. Savile.

Mr.



1641.

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Mr. Maynard said; *That if in a Letter one command Treason, if the Letter be burnt, the Treason cannot be proved, if the Original must only prove it.* The Lord Clare demanded of Savil, *How they came by the Copy; He answered, He knew not but that one William Somer, Secretary to the Lord Ranulagh had a Copy of it, to which he set his hand, in order to save a Soldier who had taken two Pewter-Dishes, and was like to suffer, unless he had a Copy of the Warrant; and that this was a true Copy.* Upon which the House of Lords adjourned, and at their return, adjudged it *should not be read in regard it was not attested.* So they proceeded to prove the effects of the Warrant. To which Savil Deposed, *That by virtue of this Warrant Soldiers were laid upon delinquents, who disobey orders, abscond, or are rescued from the Pursevents; That the Soldiers go with Arms, and have Meat and Drink from the Partie they lie on. That he had laid Soldiers upon one Francis Ditton, one Conolly and Luke Borne, who could not be brought in by any other means. That his warrant was general, the Soldiers foot, the number left to his discretion, that my Lord never spake to him about complaints made of him; that the Secretaries would demand why he did not put the Warrant in execution, he said they were poor men, but it never came to my Lord's hands that he knows, the greatest number laid was 5, and an Officer.* Patrick Gaugh, deposed he had seen the Warrant Signed Wentworth on the top, and a Seal to it; that the Execution was a constant Course for contempt, that the Soldiers were insolent, that lying upon one Bern, they took other mens Cattel, Burnt part of his House, sold his Corn to buy Beer, but there was no such liberty given by the Warrant.

Patrick Gough.

Rich. Welsh.

Richard Welsh deposed to the same effect, of Soldiers laid upon one Francis Dillon.

Patrick Clear.

Patrick Clear deposed, *That Soldiers were laid upon one Agnes White being 80 years Old; but upon affidavit of dissability to appear, after a Month taken off.*

Nich. Ardagh.

Nicholas Ardagh deposed to the same effect, for debt upon a Paper-Petition.

Edmond Bern.

Edmond Bern confirmed the Insolence of the Soldiers, that he was forced to flee into Holland, and lost 500 l. by this means.

Rob. Kennedy.

Robert Kennedy deposed the same as to Bern, but that my Lord was gone to England, that he did not see the Warrant, but wondred at the Course, it having never been done so before the Lord Strafford's time.

Robert Little.

Mr. Little attested for the Earl that He never made any Warrant to Pigot or to Savil, nor entred them in his Book, or ever saw such Warrant or Entrie.

Lord Ranulagh.

The Lord Ranulagh deposed, *That he had heard something of it upon complaint of one Davis, that by combination of the Serjeant and his Adversary, he had Soldiers laid upon him, which he told the said Lord Ranulagh, was by a Warrant Dormant from the Lord-Deputy Wansford. That formerly it had been used to lay Soldiers on the relievers of Rebels, and for non-payment of Contribution-money, but not in a Civil way between Party and Party, and upon the Earl's motion, he confessed that as a Captain he levied the Rent due to the Exchequer, for his Pay by his Soldiers, as had been Customary. That in King James's time 1628. the Gentlemen of Ireland got leave of the King, that for non-payment of Rents or Contribution, Soldiers might lie upon the defaulters.*

Mr. Palmer concluded, *That this was an Act of Hostility by 25 Ed. 3. lezying War against our Sovereign Lord the King within His Realm; and*
by

by the 18 H. 6. cap. 3. made at Dublin, in which are these words, An Act &c. It is agreed and Established, That no Lord or any other of what condition soever he be, shall bring or lead from henceforth Hoblers, Kern, or Hooded-men, neither English Rebels, nor Irish Enemies, nor any other People, nor Horse to lye on Horseback, or Foot to lye on the King's People; but on their own cost, without consent. And if any do so, he shall be adjudged as a Traitor.

I 6 4 I.

The Earl's Defence.

After a little time to peruse his Notes, the Earl made his Defence. He desired their Lordships to remember his Witnesses were to come out of Ireland, That his time had been so short, that he could have none but such as came accidentally. That the Customs of Ireland differ from those of England; that it had been the Ordinary practice of the Deputy and Council, before his time to assess Soldiers not only on the party, but his kindred without levying War. That these were ordinary Fellows; and to shew what was meant by Rebels in Ireland the Lord Dillon Examined, attested, That such as having committed Felony or some unjustifiable Act, and withdraw into the Woods, if upon Proclamation they come not in, are reputed Rebels and Traitors.

Lord Dillon.

Sir Arthur Tyrningham averred, That the practice was such in the Lord Faulkland's time, and that such as come not in upon Proclamation, are reputed Rebels.

John Conley.

John Conley attested, That in the Lords Faulkland, Grandison and Chichester's times, the King's Rents were collected by Horse-men, who laid upon them till they were paid.

Henry Dillon.

Henry Dillon affirmed, That in my Lord of Cork's, and Lord of Ely's time he had Warrants from them and the Council to gather money by laying Soldiers till it was paid.

Tyrningham.

Sir Arthur Tyrningham averred, That by Warrant from the Lord Faulkland he had laid Soldiers upon a Debtor, till the Debt was paid but does not know whether it was the King's Debt.

Lord Ranulagh.

Lord Ranulagh attested, that it was the practice of the Lord of Cork and Ely to give Acquittances out of the Exchequer to Captains, who if the money was not paid, assessed Soldiers on the defaulters.

Then the Earl offered to prove, That it was the desire of the Gentry themselves it might be so in the Lord Faulkland's time; but it was by Mr. Palmer agreed him; from whence my Lord inferred, That it disabled the first part of the Killing Charge, That he should Traiterously and wickedly devise to subdue the Subjects of that Realm by levying Money on them.

The Earl then desired the 2d Article of the Lord Faulkland's Instructions might be read, which was in hæc verba.

For the Collecting of our Rents in cases of default, that, 1. a summoning Process shall Issue. 2. The Pursuant sent. 3. If this be not sufficient (in case the same be not levied) then our Vice-Treasurer by Warrant of our Deputy and Council shall appoint a competent number of Soldiers of the next Garrison, to be aiding to collect the Rents at the Charge of the Parties complained of; having care that no man be burdened with a greater number of Soldiers than the Service shall necessarily require.

At Mr. Palmer's desire the first Article was read, viz, At the humble Request of Our Subjects, We are graciously pleased to direct for the better preservation and ease of Our Subjects, the Soldiers shall be called in &c. and from

1641.

from what had been proved the Earl inferred, That it could not be High-Treason for the King's Service, to follow the King's direction, and the constant practise of his Predecessors; that he brought not the Custom in, but found it there; and that by Proclamation under the hands of the whole Council it was done for the Ease of the Countrey.

To the Testimony of Berne and Kenedy of the abuse of the Soldiers
 1. he was not then in Ireland, 2. he denies he ever gave Pigot such a Warrant and there is no proof of it. That Pigot's threatening Clear with a Warrant is no argument, men often threaten most when they have least to shew. Kennedy sayes, he never saw the Warrant, Savil's Warrant is not produced, that this great and mighty War on the King and his Subjects, is one of the poorest Wars in Christendome; for last Summer one sayes, he knew Soldiers laid on one man, that it was never complained of all the time he was in Ireland; that the Warrant was to procure obedience to all the King's Courts, and to secure the King's Right. He desired Savil might be demanded, whether the Warrant granted him was not agreeable to former Precedents? who affirmed his Predecessor told him he had received such a Warrant from the Lord Faulkland to sess Soldiers on the Land of Sir Thomas Fitzgerrard.

Savil.

Henry Dillon attested, that the Serjeant at Arms was an Officer as well to the Exchequer as Chancery, and the last process is Attachment by the Serjeant as well between man and man, as for the King.

Dillon.

Here Mr. Palmer speaking something which my Lord looked upon as an Interruption: he desired no hasty words might be misinterpreted, he speaking for his Life, and Family, and that the Gentlemen would do well not to put him out of his way, but let him speak those few poor things he can for himself.

He then added, that some wayes he is more qualified then an ordinary Person, having the Honour to be his Majestie's Deputy; that by his Commission he was to govern according to the Customs of the Realm, and this was Customary by all the former Governours; that had it been Levying War, there is a Statute 10 H. 6. c. 17. Enacting, That there shall be no War, or Peace in the Land, without the Deputie's Licence; but all War or Peace to be made by the Lieutenant for the time being.

And as to the Stat. 18 H. 6. c. 3. That no Lord or other shall charge the King's Subjects, &c. 1. He hath heard it said that the King cannot be concluded in any Statute unless he be particularly named, and consequently not his Chief Governour. 2. He shall not lead or bring; He hath done neither, the Serjeant did it though under his Warrant. 3. It speaks of bringing English Rebels, or Irish Enemies, &c. But such are not the King's Soldiers sent to apprehend refractory Persons, and for the King's Honour and Service. 4. Practise is the best interpreter of Laws, and notwithstanding this Statute, the Governours have alwayes assessed Soldiers. That it would be a hard Case, that such an Old Law should be started contrary to Practise, to destroy him and his Posterity, but he believes he shall prove that Statute Repealed; First, By the 8 Ed. 4. c. 1. which Enacts, That from the Sixth of March then next, all Acts made within the Kingdom of England, shall be in force in Ireland from the said time. This therefore ratifies the Statute of 25 Ed. 3. which is the Statute of Treason, and the Statute of 1 H. 4. which sayes nothing shall be Treason but what is within the Statute of 25 of Ed. 3. which repeals the 18 of H. 6. Secondly, By the 10 H. 7. c. 29. whereby all the Statutes made in England before that time are made Laws in Ireland, and all Laws contrary to these Laws are repealed,

but

but the Law urged is against 25 Ed. 3. & 1 H. 4. and consequently repealed.

1641.

Next he produced a Statute of 11 Eliz. c. 7. for taking away Captains Ships, and that none of the Great Men shall make War or Peace, &c. Sess nor lead the People, without the Great Seal or Warrant from the Lord Deputy; so that here is a power in the Deputy to assess, &c. without being a Traytor.

That to the Clause of 25 Ed. 3. if any man levy War against the King in his Realm, or adhere to his Enemies, &c. he appeals to their Lordships as in their own Case, whether 2 or 3 poor Soldiers sent to bring an Offender liable to the King's Justice, can by any construction be levying War against the King and his People; or rather for the Honour and Authority and Justice of the King, and not adhering to his Enemies; but this point of Law he desired to refer to his Council to urge for him with more advantage than he could himself being out of his profession.

To this Mr. Palmer replied, That there can be no Custom or legal usage, contrary to an Act of Parliament, that those usages were by consent, but this of my Lord's against it; those for the King's Debts and by consent, these not so; that the Proclamation his Lordship mentions was an Offence in it self, and Treason is no justification of Treason, that for Bern's Case if my Lord was in England yet if done by his Warrant it was the same thing. To the Plea of the Deputies Power, a Deputy in case of Rebellion may make a Defensive War, but this was in a time of Peace, and on the King's People under his Laws and Protection; his Plea, that because the King unless named is not concluded in any Statute, is to apply Sovereignty to himself, and that a Subject should not be comprehended more than the King himself; as to the Repeal of 18 H. 6. the introducing of our Laws was not to Repeal theirs, but to make a Consistance of both Laws so far as they both may stand together, but this being matter of Law, he leaves to those who are to give satisfaction to their Lordships hereafter. That the Statute 11 Eliz. does not at all justify the Earl, that being made for Defence against Rebels, not as the Charge was for things done in full Peace. That the 2 Clauses of 25 E. 3. are to be considered separately, for a man may levy War and not adhere to the King's Enemies. And so he concluded that they had proved the Charge.

Managers reply.

Upon the Earl's Motion, not without some difficulty, a day was granted for his refreshment; and indeed it was no more then reasonable after such Expence of spirits in making and speaking his Defence, against so many reputed the ablest men in England.

Upon Saturday the 16th Article was read, concerning his procuring from the King an Order, That no complaints should be received in England, unless Address were first made to the Deputy. Mr. Palmer managed the Charge, and first the Propositions concerning the Government of Ireland offered to his Majesty were read, and the Order upon them, That no particular complaint of Justice or Oppression be admitted here against any unless it appear the party first made his Address to the Deputy. Then a Proclamation importing, That all the Nobility undertakers and others that hold Estates and Offices in Ireland, such only excepted as are employed in his Majesties service in England, should personally reside in Ireland, and not to depart to England or any other place without Licence from the Lord Deputy, any former Letter to the contrary notwithstanding &c. so that all complaints were prevented, and restrained from coming over into England.

Saturday,
April 3.
Article 16.

1641.

Witness
Richard Wade.Lorky.
L. Roche.

James Nash.

Henry Parry.

Sir Robert
Smith.

Fitz-Garret.

The Earl's
Defence.

To this Richard Wade deposed on Oath, That my Lord Esmond sent him August 1638. to Petition for Licence to go over to make an end of the Cause, wherein my Lord Strafford was Plaintiff, but was denied; that the Lord Esmond procured the King's Letter, but could not yet get Licence.

Lorky deposed the same: The Lord Roche deposed, That he was denied Licence, intending to come over to justify himself against an Information in the Star-Chamber.

James Nash deposed, That in the Case of Mac-Carty, my Lord after obtaining two dismissions of the Suit, Decreed for Sir James Craig 5496 l. against Mac-Carty, and on this Decree an Order to dispossess him of all his Fathers Estate; That Mac Carty Petitioned for Licence to come into England, but was denied both by the Lord Deputy and Sir Christopher Wainsford.

Henry Parry deposed, That his Lord and Master the Lord Chancellor Ely being committed to the Castle of Dublin, the Earl sent for him, and commanded him to attend the Judges to be Examined about some Papers seized; that he attended 6. dayes, but his Lord having occasion to make use of his Friends interest, sent him over into England to Sollicit His Majesty for Relief, that here he was attached by Mr. Secretary Cook's Warrant; that he entred into Bond before he could be discharged of the Messenger to return into Ireland; That after his Return, he was Fined 500 l. and ordered to acknowledge his Offence at the Board; and that he was imprisoned and utterly ruined; that his Fine was reduced to 250 l. that he paid 184 l.

Sir Robert Smith deposed, That having a Command from the House of Commons in Ireland to come over hither, he was denied Licence, and a Restraint was laid upon Shipping upon that account. Mr. Fitzgarret deposed to the same Effect.

Then the Irish Remonstrance was read, importing the Fears they had of the Proclamation, prohibiting their coming to England to obtain Redress of their Grievances from His Majesty.

After some Recollection, the Earl made his Defence, That he might very justifiably say, that he had never in his life any thoughts or intentions before his going into Ireland, or during his abode there, but Justly and Faithfully to serve His Majesty and the Kingdom; That as to the Order obtained from His Majesty, the Reason annexed, which was read, would justify it, importing, That it was not only a Justice to the Deputy, but to the Government it self, to prevent Clamors and unjust Complaints, and that they might be redressed nearer home, and no way to hinder any man's just complaint. That for the Proclamation, that it was warranted by the Laws of Ireland, 25 H.6. cap.9. 26 H.6. c.2. whereby Subjects are restrained from going out of the Land upon forfeiture of their Estates, without Licence from the King or his Deputy; That by an Article preferred by the Irish Agents 1628. His Majesty was Petitioned to order the Residence of Undertakers, at least half the Year; upon which His Majesty answered in these words.

AL L the Nobility, Undertakers and others, who hold Estates and Offices within that Kingdom, are to make their personal Residence there, and not to leave it without Licence, such persons Excepted only as are employed in Our Service in England, or attend here by Our Command.

Pursuant to which my Lord Faulkland's Instruction were in that particular *verbatim* the same, being read. Then he produced his Majestie's Letter

Letter commanding the Proclamation Jan. 20. 1634. which was read, and was in these words.

1641

C. R.

To the Lord Deputy of Ireland.

WHEREAS amongst other things in the Graces vouchsafed to Our Subjects, 1628. We signified Our Pleasure, That the Nobility, Undertakers, and Others, holding Estates in Ireland, should be resident there, and not to depart without Licence: And being now given to understand, That notwithstanding those Directions, divers persons (not of the meaner sort) take liberty to pass into this Kingdom, or Foreign Parts, as if they understood not what they owed to Us in their Duty, or themselves in their evil Carriage, which presumption we may not long suffer, &c. We do therefore hereby Will and Require you, by Act of State, or Proclamation, to make known Our Pleasure, That all Nobility, Undertakers, and others, that hold Estates and Offices, (such persons only excepted, as be imployed here, &c.) do hereafter make their personal Residence, and not depart for England, or other place, without privity of Our Deputy, any former Letters to the contrary notwithstanding.

His Majesties
Letter to the
Lord Deputy
Jan. 20. 1634.

And because We resolve to have this course constantly observed, (if you shall have notice of any Contemner of this Command) Our Will and Pleasure is, That you proceed against them in an exemplary way to deterr others; And for so doing, this shall be your Warrant.

From whence he inferred, That this being required by the Law of the Land, by the Request of the Irish, according to the Lord Faulkland's former Instructions, and justified by the King's Letter, he trusted it would not appear to their Lordships so great a Crime as at first it might seem. That the Council concurred to the Proclamation, that there was great reason of State for it, in regard O Neal and Tir Connel having Regiments of the most ancient Irish Septs in the Service of the King of Spain, if every one might withdraw at pleasure, without giving an account, it would open all the Power and Means to distemper that State, and he feared it would produce sad Events in that Kingdom.

And here I cannot but admire the Prophetick Wisdom of this Great Man and States man, so soon justified by the Event, when upon this Liberty procured by the English Parliament, in so few months after his Death, that Horrid Rebellion and Massacre broke out, which produced the most deplorable Events in the World.

But to proceed, he shewed further, That this Restraint was to prevent the going over of the Nobility and Gentry to be Educated at Doway and St. Omers, and was for the Interest of the Protestant Religion.

As to my Lord of Esmond which appeared to be so foul a business, he was stayed as being Major General of the Army, and could not be spared; but he was mistaken if shortly after he did not give him Licence; and whereas my Lord of Esmond was said to have no Commission to Examine Witnesses, some Evidence accidentally appearing, his Lordship took notice of God's Providence and Goodness to assist him; and for this purpose Mr. Riley

1641.

was Examined, who Deposed, *That my Lord of Esmond and Sir Pierce Crosby had a Commission to Examine Witnesses in the Case between them and the Earl of Strafford.* Mr. Ralton attested the same.

He further added, *That the Lord Esmond was stayed on a Complaint of Sir Walsingham Cook's, concerning a Practice against Sir Walsingham's Life. For the Lord Roche, he was informed against in the Star-Chamber, which he was willing to forget for that Gentleman's Honor, the Complaint being of that Nature, that he was not willing to press it.*

As to Mac Carty, the Decree was made by a Letter from His Majesty, on a notable fraud of the Father in the Case of Sir James Craig; and the Restraining Young Mac Carty, was to prevent his going to Doway or St. Omers; and that he that swears it, is Solicitor in the Case, and unfit for a Witness.

As to Mr. Parry, the Reason appeared in the Sentence, which attested by Mr. Gibson, was Read as followeth.

The Sentence
against Mr.
Parry.

WHereas Henry Parry, one of them who attended the Lord Chancellor, as his Lordship's Register-keeper, or Clerk for private Judicatures, and Keeper of the Books of these Private Proceedings, was Commanded to attend the Board to be Examined; And whereas in Contempt thereof, he not onely neglected to attend accordingly, but departed this Kingdom, which being represented to His Majesty, it pleased His Majesty to require his return hither to attend this Board; To which end a Bond was taken for his Appearance here the next Council-day, after the 12th of Aug. And whereas he was present himself at this Board 9th of October, 1638, but offered no Petition; as if he disdained so far to humble himself to this Authority; whereupon it being made known to him, That it became him, in the Duty he owed to the Dignity of this Board, to come by Petition, as all other Men: but he forbearing to exhibit his Petition, till he was called by us the Deputie to do it; and then when he exhibited it, he therein misrecited his Offence; alleadging it to be for his repairing to England without Licence; whereas his Offence was, The disobeying the Orders of this Board. Secondly, He laid a Tax on William Ralton Esq; Alleadging, That on pretence of Direction from Secretary Cooke, he took his Bond for Appearance here, whereas he knew it was not by any feigned direction, but by appointment of Secretary Cooke, by His Majestie's Direction. Thirdly, Instead of humbling himself, he desired Cancelling of his Bond, and Dismission from attendance; and the rather, because he conceived he had not in any degree transgressed the Proclamation; cautelously alledging that to be his Offence, which was not laid to his Charge. And forasmuch as his first Offence in Esloyning himself to shun the guilt whereof he was convinced; and after his bold and insolent behaviour at this Board (in answering plainly, That he conceived the Command of the Lord Chancellor ought to free him from the Command of this Board) deserves such proceedings against him, as may be both Punishment to him, and Example to others: It is therefore Ordered, That he stand Fined in 500 l. Bound to his Good Behaviour; stand Committed to the Castle during the Deputy's Pleasure; and make Acknowledgment of his Offence at this Board. And, the Form of his Submission is set down, I Acknowledge I presented a Presumptuous and Untrue Petition, &c. Given 30 October, 1638.

The Names of those that Subscribed it were also Read.

The

The Lord Dillon was Examined about the Lord Esmond, affirmed, That it was suggested that he had set some persons on to cut off Sir Walsingham Cook, which was confirmed by Sir Adam Loftus, and that the Witnesses not concurring, my Lord Esmond was dismissed. To which the Earl added, That as soon as he was clear, he had liberty to go into England. And for the Fees for Licences, Mr. Slingsby and Mr. Little attested, That they had 20 s. of Privy Councillors and Officers of the Army; of others 5 s, but it was voluntary, and many times none at all was paid. He concluded, That he hoped nothing hitherto shall convince him of Treason before their Lordships, to whose Judgment he did with all humility submit.

I 6 4 I.
Lord Dillon.

To this Mr. Palmer replied, That his Lordship had used a great deal of Wit and Art to colour his Actions, and to induce the King to an allowance of them; but his Acts of Injustice shew quo obtentu this Proposition was gotten; that as it prevented Clamorous Complaints, so it terrified those which were real, lest they should be punished as clamorous; That the 25 H. 6. though it gave leave to seize their Lands that departed without Licence, yet restrained not their persons; That as to the Petition for Residence of Undertakers, there was a great difference between Residence and Restraint to complain to his Majesty; that if the Laws of England and Ireland, as his Lordship says, be the same, the Passage is open by 4 Jacob. which Repeals 5 Rich. 2. unless the King by Proclamation or a Ne Exeat Regno on special Causes lay a restraint. That to the Lord Esmond's Commission if there was one, that Record ought to be produced. That for the Lord Roche, there was an Information, but that was ceased before the denial of the Licence; That the true reason why Mac-Carty was denied licence, was, that he should not complain of his Suit, which he said Mr. Little confessed upon taking his Petition, as was deposed upon Oath by one John Meaugh; And as to Parry's Sentence, it declares something said to be the Cause, but not the whole.

Mr. Palmer's reply.

John Meaugh.

To his last, that this is not Treason, though they are not individual Treasons, yet they are the multiplication of acts of Arbitrary Power; and his obtaining power to hinder Subjects access to his Majesty, is taking such a Sovereign Power, that Non sentit parem nec superiorem.

Mr. Maynard added, That they laid the stress upon this, that it was to prevent Complaints of his injustice to his Majesty, and that his intention might make that ill which in it self was not so.

To which Mr. Glyn supplied, That his Design was introducing a Tyrannical Government, and before he goes about his work he puts off all means of Redress.

The 17th and 18th Articles being for the present waved, Mr. Whitlock proceeded to the 19th Article, shewing, That as he had Exercised Tyrannical Power over the Lives, Liberties and Estates of the Irish; so over the Consciences of the Scottish Subjects in Ireland; by a new Oath, and that he said he would root out the Scottish Nation if he returned to Ireland.

Artic. 19.

To prove this, Sir James Montgomery was sworn, who deposed, That the Lord-Deputy sent for most of the principal of the Scottish Nation to Dublin by Letters, and being come, the Lord Viscount Montgomery being indisposed with a Cold, the Lord came to his Lodgings where they were to attend him, he communicated to them the disorders of Scotland, and wished them to do something to vindicate themselves from being of the Confederacy; that then the Bishops of Down and Raffo, proposed the joining in

Sir James Montgomery.

1641.

in a lawful Oath, as the others had in an unlawfull, and to Petition the Lord-Deputy for it, the Bishop of Down offered to draw it, but my Lord put it upon the Bishop of Raffo; that he took the Liberty to tell his Lordship it was amiss to consider of it; To which he replied, Sir James, you may go home and Petition or not Petition, if you will; but if you do not, or who do not, or to that purpose, shall do worse. That 2 Petitions were drawn, one down right railing, the other bitter enough; and when it was desired to be softned answer was made the Lord-Deputy had seen it, and did approve it; that with little alteration the Petition was Signed and Delivered, an Oath was framed which my Lord himself administred to them; that Commissions came down immediately to administer it to all men and women above 16 years of Age, and certifie the names of refusers; that many fled out of the Countrey, some absconded, others were apprehended, and he thinks censured; some left their Corn on the Ground; but being asked about the Papists, he did not hear that the Oath was tendred to them, or that they were called.

Then the Oath was Read, which see before in the beginning of these Collections.

Maxwell.
Sir John Clotworthy.

Mr. Maxwell sworn deposed to the same Effect. Then Sir John Clotworthy sworn, deposed, That upon the imposing it, being a Commissioner, he knew multitudes fled, left their Corn on the Ground, Cattle and Dwellings.

Rich. Salmon
a School-master.

Richard Salmon deposed, That at the Proceedings against Mr. Stuart he being willing to take the first part of the Oath as to Allegiance and Supremacy, but the later part as to Ecclesiastical Duties he durst not, my Lord told him they had other Oaths for that; but this was for both; and those who were obedient to Ecclesiastical Orders, he would lay his hand under their Feet to do them good; but whosoever would resist, he would prosecute to the blood; That my Lord said further, They had made him forget himself by putting him into some passion; That they were Traitors and Rebels, and that if his Majesty would Honour him so much as to send him back again, he would eradicate Root and Branch of all that Nation out of the Kingdom of Ireland, saving the Lords and others that had taken the Oath. That Mr. Steward was Fined 5000, his Wife 5000, his 2 Daughters 3000 l. a piece, and James Gray 3000, as he remembers. That Gray was not worth 100 l. Mr. Stuart maintaining him in Prison.

John Loftus.

John Loftus sworn, deposed to the Fines and the words about the Scottish Nation.

Mr. Whitlock Summed up the Evidence, concluding, This was to take a Power far above Law, to bind their Consciences, that it shewed my Lord's Intention to alter Laws with all his Force and Cruelty.

The Earl's Defence.

The Earl then made his Defence, That their Lordships and particularly the Lord Steward who was General of the Army against the Scots, knew the posture of the King's affairs, their fears of the Scots in Ireland, and their Confederacy with the Covenanters, one being condemned and Executed for Plotting to deliver Knockfergus to a Great man in Scotland. To prevent this, there was a debate of Council-Board, which was attested by the Lord Dillon, and that the whole proceeding about the Oath was concluded on as necessary for the preservation of the State.

Lord Dillon.

Sir Philip Manwaring.
Sir Adam Loftus.

Sir Philip Manwaring and Sir Adam Loftus affirmed the same, and that none of the Gentlemen who took the Oath appeared refractory. My Lord added, They did it chearfully, save only Sir James Montgomery, which

which he remembers to their Honour, that there being an Expression in the Petition Offering their Lives and Fortunes for vindicating the Regal Power, which he said might be turned too strictly upon them, he qualified it with these words, *In equal manner and measure with other his Majesty's Subjects, which as my Lord Montgomery will, he is assured, justise were put in by him.*

The Petition and the Act of State were then read, being to this Effect.

By the Lord-Deputy and Council,

WENTWORTH.

Where We have lately made an Act of Council in these words.

W Hereas divers Lords Spiritual and Temporal, Knights, and others inhabiting in this Kingdom, have lately exhibited a Petition to Us, in these words following.

The Act of State and Petition about the Oath in Ireland.

To the Right Honourable, the Lord Deputy and Council, &c.

The Humble Petition of, &c.

The Petition recites,

The horror apprehended by the Petitioners, His Majesties Subjects of the Scottish Nation inhabiting in Ireland, for the Covenant sworn by some of their Countrey-men in Scotland, without His Majesties Authority and Consent.

Their dislike thereof, and the consideration, that their causes of that action may be understood, to reflect on the Petitioners, though innocent.

They crave leave to vindicate themselves from so great a Contagion, and desire his Lordship to prescribe a way by Oath or otherwise, to free themselves from these proceedings, to declare their acknowledgment of the King's Regal Power, and their dislike of that Covenant, and of all other Covenants entred into, &c. without His Majesties Regal Authority, which they are desirous to manifest by offering their Lives and Fortunes, to vindicate the Honor, &c. of their Sovereign, which they are ready to do in equal manner and measure, with other His Majesties Subjects, &c. and divers names were to the said Petition subscribed.

In consideration of which Petition, we cannot but commend the Wisdom of the Petitioners, which we will not fail humbly to represent to His Majesty; and for that we know many of this Kingdom, have expressed good Affection to His Majesty and His Service, and dislike those Disorders: We hold it fit, &c. to free them the better from the Crimes and Scandals which their Countrey-men have gone into, as also to free them from all prejudice, and to approve to the King, and to the whole World, their Allegiance to him and his Regal Power, and the dislike of that unlawful Oath and Covenant: We do therefore Ordain, That all and every Person of the Scotch Nation, that inhabit, or have Estates, or any Houses, Lands, Tenements, or Hereditaments within Ireland, shall take the Oath herein expressed on the Holy Evangelists, on pain of His Majesties High Displeasure. The tenor of which Oath follows. &c. To several select persons, &c. Authorizing them to call before them, and administer the Oath to every person of the Scotch Nation, &c. At such time and place, &c. And such Instructions as shall be in that behalf given by the Deputy and Council, &c. And to certify the Names of all that take the Oath, and if any refuse to certify their Names, Quality, and Residences to the Lord Deputy, &c. And there is a Command, That all

1641.

Slingsby.

all of the Scotch Nation do appear before the said Commissioners, at times by them to be appointed, and to take the said Oath before them; and that all persons may have due notice, we think fit this be published, Dated *May* 1639.

To prove the Design of betraying *Knockfergus*, Mr. *Slingsby* Examined, attested, *That it was Advertized, that when the King was at Berwick, one Trueman had writ a Letter for betraying the Castle there, he was sent to Dublin and Examined; remanded back, Tried, found Guilty, Condemned and Executed for the Fact.*

My Lord added further, *That at the same time there was the like Oath and proceedings in England; That what he did was for securing the Peace of Ireland; and had it been done by himself solely as Deputy, he humbly conceives it no Treason; but he had the King's Letter of his own handwriting; which he produced as followeth.*

WENTWORTH,

The King's
Letter to the
Lord-Deputy
about the
Oath.

Considering the great number of Scots that are in Ireland, and the dangerous consequences may follow, if they should joyn with the Covenanters in Scotland; I hold it necessary you should use your best Endeavour, to try them by an Oath, not only to disclaim their Countreymens Proceedings, but likewise, never to joyn with any in Covenant, or otherwise against Me; To which purpose I Command you, to frame and administer such an Oath, to the abovesaid intent, to my Scottish Subjects of that Kingdom, that I may know the well from the ill-affected of that Nation; of which fail not, as you love my Service. And so I rest, Your assured Friend, Ch. R.

Dated 16 Jan.
1638.

Whitehall.

That therefore having his Majesties Warrant, he conceives doth justifie him; and that he had rather suffer by his Obedience, then dispute his Majestie's Command.

As to the Fining of Stuart &c. it was the Act of the whole Court of Castle-Chamber, where he had but one Vote; the greatness of the Fine was to shew the greatness of the Crime, and that little of it was paid; that to refuse the Oath of Allegiance is Præmunire, in comparison of which this was a moderate Fine; That there is nothing of Ecclesiastical concern, but temporal Allegiance in the Oath.

To the words about the Scottish Nation, he absolutely denied he ever spake them or thought them, he owes more Honour to His Majestie's Native Countrey, and from his Soul wisheth it all Prosperity; that he must be out of his Wits to call a whole Nation Traytors, knowing many of them to be faithful Loyal Subjects; whatever he spake was concerning the Faction in it; as to the multitudes going away, Sir John Clotworthy names not one of that multitude; and if they did go, rather then give that Pledg of their Allegiance, who could help it?

As to the Schoolmaster's Testimony, he is positive that my Lord spoke the rancorous Words against the Scottish Nation, Octob. 10. 1639. but he proved by Mr. Little, and Mr. Ralton, that he came from Ireland Sept. 12. 1639. a month before, and was in London Sept. 21. 1639. and therefore being a single Witness, and Evidently swearing false in the first part, he hopes their Lordships will credit him accordingly.

As

As to the last, he having not yet learned his Lesson perfectly, that *Loftus* makes it another thing, swearing the Earl said, *He hoped to root, &c. such as would not submit to the Ecclesiastical Orders; where- as there are few of the Scottish Nation that do not submit.*

He then produced *Sir Philip Manwaring*, who attested, *That he heard the whole Speech, and that my Lord spoke only against a Faction of the Scot- tish Nation, whom he would endeavour to bring to Obedience; and that he Explained himself to speak of those of Ireland, not of Scotland, whose Laws and Customs he did not understand; and that he heard not one word of Root and Branch, or Stock and Branch; but that he heard Mr. Wainsford, Master of the Rolls, commend my Lord for his Caution, that he had reflected on the Faction, not on the Nation.*

Then my Lord concluded, *That he hoped nothing was proved against him of Treason; for if Obeying Commands in this Case be so, he confessed, being not better informed, if it were to do. again, he should be that Traitor over again.*

Mr. Whitlock presently laid hold of this, and said, *This justifying his Offence against Law in that Great Presence, was a great aggravation of his Crime. That it is well known a new Oath cannot be imposed without Assent in Parliament, it is Legislativa Potestas; That he obtained the King's Letter upon Mis-information; As to Steward's Sentence, his fault is the greater for drawing others to joyn with him in it. That the Oath enjoyned in England, seems to have followed the Precedent of Ireland; that though Salmon mistakes the time, he does not mistake the substance; and that though my Lord Strafford's Witnesses do not remember the Words about the Scots, it is no impeachment of the Witnesses against him, that do. Con- cluding, That this administering an Oath, was assuming a Power above Re- gal; for this is not penes Potestatem Ministri.*

Mr. Maynard added, *That though the King enjoyned him to administer an Oath, yet not to punish the Refusers.*

Upon Monday April 5. the Commons proceeded to the 20, 21, 22, 23, and 24 Articles; but before they began, the Lord High Steward informed them, *That upon my Lord's Petition the Earl of Northumber- land had been Examined, but being late could not be Cross Examined by the Commons.*

Mr. Whitlock desired he might be reserved, and some other Wit- nesses.

My Lord opposed Supplemental Evidence, and desired he might Cross Examine my Lord of Canterbury.

They answered, *My Lord of Canterbury was Impeached, but they did not intend to make use of his Evidence; and the other Witnesses were such as were to speak vivâ voce, instancing in Serjeant Glanvil.*

Mr. Whitlock then begun to open the foresaid Articles in gross; which the Earl desired the Lords, might not be; acquainting them *his Memory could not serve him to make replies if they inverted the Method; That any other person in his Circumstances would think as long time as he had been favoured with to recollect and put his Notes in Order, no more than necessary, though a far abler man than himself.*

Mr. Glyn said, *he never knew a Prisoner prescribe a Method, especially in case of High Treason.*

My Lord then desired he might have time till to morrow for his An-

1641.

swer, which being offered with all humility for his Defence, he hoped their Lordships might grant without Offence. But he was over-ruled, and they proceeded.

Mr. *Whitlock* proceeded in the Charge, That he advised the King that the Scots Demands were a sufficient ground of War, that they struck at the Root of Monarchy, and were not only matters of Religion: That he seized their Ships in Ireland, procured the Parliament in Ireland to give assistance and supply for a War against Scotland; That his design was the same against England; That Sir George Ratcliff told Sir Robert King, The King had 30000 men and 400000 l. in his Purse, and his Sword by side, and if he wants money who will pity him; he may make peace when he will, though that be the worst of Evils; that if the Parliament did not supply him he might use his Prerogative, and would be acquitted before God and Man if he took other Courses to supply himself; and he would be ready to serve him in any other way; that he advised the Dissolving of the Parliament, and said, that they having denied the King Supplies, he might provide for the Kingdom by such wayes as he thought fit, and not suffer himself to be mastered by the wilfulness or frowardness of his People. That having tried all wayes, he was to do all that Power would admit, being absolved from all Rules of Government, and acquitted before God and Man; that he had an Army in Ireland which he might Employ to reduce his Kingdoms.

Earl of Tra-
quair.

For proof, the Earl of Traquair deposed, That the Earl said, that the Unreasonable demands of Subjects in Parliament, was a ground for the King to put himself into a posture of War; and that at the Council-Board the Earl with the rest concluded, That if the Commissioners from Scotland, to whom the King had given leave to come up to represent their demands, did not give good satisfaction touching them, the Council would be assistant to his Majesty to put him into a posture of War to reduce them to their Obedience; but who spoke first at the Board he remembers not.

Earl of Mor-
ton.

After some debate about reading the Examinations of Witnesses not present, the Lord High Steward ruling it, the Examination of the Earl of Morton was read, he being sick; That the Earl had said, as before, for the Ground of War, and that the Examinee told his Majesty he had given the Scots leave to Petition in Parliament for Redress, and without hearing their Reasons, there was not sufficient Ground for War, to which his Majesty said he spoke reason; howbeit the Lord Strafford said, there was ground enough for War. Whence Mr. *Whitlock* observed, That though he knew not the Reasons, nor was versed in Republica aliena, yet he repeats his advice, That these Demands &c. That the Scots Commissioners by his Majesty's leave being on their way to give Reasons, yet the Earl of Strafford said, the demands were not matters of Religion, but strook at the Root of Government, and such as he thought were fit for his Majesty to punish.

Sir Hen. Vane.

Sir Henry Vane deposes, That after the breaking up of the Parliament, some thing was proposed, and he himself proposed a Defensive War, the Earl of Strafford an Offensive.

Earl of Nor-
thumberland.

The Earl of Northumberland's Examination read, was to the same Effect.

Bishop of
London.

The Bishop of London Lord Treasurer of England, deposed, That among others, my Lord Strafford gave advice, That his Majesty should prepare himself to reduce them by Force, his Majesty having acquainted them upon the Earl of Traquair's Relation, That some of their Demands were prejudicial

to

to the Crown, and which he could not grant. That the War being at another meeting resolved upon, whether Offensive or Defensive, there were divers opinions, but believes my Lord Strafford inclined to an Offensive War.

Nicholas Barnwell deposed, That Sir Robert Loftus seized several Scotch Ships and Boats, and that others hearing, fled away, and that Sir George Ratcliff was displeased with Sir Robert for making it publick, by which means they Escaped.

Then the Lord Primate of Ireland's Examination was read, That discoursing about levying of money, the Earl of Strafford declared, that he agreed with those of England, who thought in Case of imminent necessity, the King might make use of his Prerogative to Levy what he pleased, adding, That His Majesty was first to try his Parliament, and if they supplied him not, then he might make use of his Prerogative as he pleased himself.

The Lord Conway deposed, That in private discourse about the 12 Subsidies, the Lord Strafford said words to this Effect, That the King had need, and if the Parliament would not supply the King, though he hoped they would, the cause being just and lawful, the King was justified before God and man if he sought means to help himself, though it were against their Wills.

Sir Henry Vane deposed, that the Lord Strafford said, In case the Parliament did not succeed, he would be ready to assist His Majesty in any other way.

Sir Robert King deposed to Sir George Ratcliff's words about 30000 men, and 400000 l, and that the King could not want Money, he had an Army.

The Lord Ranulagh deposed to the same Effect concerning Sir George Ratcliff.

Sir Tho. Barrington deposed, That on private discourse about the Parliament, Sir George Wentworth said, The Commonwealth was sick of Peace, and will not be well till it be Conquered again.

Sir Robert King further said, That the Lord Ranulagh was displeased at Sir George Ratcliff's words, conceiving it was an intention to raise Money forcibly in England, and that they must turn their Swords upon them from whom they were descended, and cut their Throats for their own Safety; which the Earl confirmed, by offering to sell the said Lord his Estate in Ireland, though he thought they would be quieter there than in England. From whence the Managers inferred his Design was against England.

To prove this Design, Sir Tho. Jermin deposed, That he heard my Lord Strafford say something of the Parliaments forsaking the King.

The Earl of Bristol deposed, That discoursing of the Distractions of the Times, the Mutiny of the Soldiers, and Danger of a War with Scotland, he proposed the Summoning a new Parliament, as the best way to prevent those Desperate Undertakings; which discourse and his Reasons, my Lord Strafford seemed not to dislike, but said, He thought it not counselable at that time, in regard of the slow Proceedings of Parliaments, and the real and pressing Dangers; and that the Parliament had refused Supplies, and therefore the King was to provide for the Safety of the Kingdom, *Salus Reipublicæ* being *Suprema Lex*; and that the King must not suffer himself to be mastered by the stubbornness and undutifulness of his people, or rather Stubberness and disaffection of some particular men, meaning some Members of Parliament, as he conceives, being discoursing of the Parliament.

The Lord Newborough deposed, That he heard words to this Effect; That seeing the Parliament had not supplied the King, His Majesty might

I 6 4 1.

Mr. Nicholas Barnwell.

Archbishop of Armagh.

Lord Conway.

Sir Hen. Vane.

Sir Rob. King.

Lord Ranulagh.

Sir Thomas Barrington.

Sir Thomas Jermin.

The Earl of Bristol.

Lord Newborough.

I 6 4 I.

Earl of Hol-
land.

take other courses for Defence of the Kingdom; *But tho he cannot swear the Earl spake these words, he verily believes he heard him speak something to that purpose.* The Earl of Holland deposed much to the same Purport.

Then they proceeded to the 23. Article, and the Examination of the Earl of Northumberland was read, *That in case of Necessity, for Defence of the Kingdom, if the People refuse to Supply the King, the King is absolved from Rules of Government, and that every thing is to be done for the Preservation of the King and his People; and that by some discourses to His Majesty, he believes if the King was not supplied by Parliament, some Course was intended to raise Money by Extraordinary wayes; but that the Irish Army was to land in the West of Scotland, and he hath not heard that these Forces were to be employed in England to compel or awe the Subjects to pay Taxes imposed.*

Sir Hen. Vane.

Sir Henry Vane deposed, *That upon debate of the Question, Whether Offensive or Defensive War, the Earl said, Your Majesty having tryed all wayes, and being refused, in case of Extream Necessity, for the Safety of the Kingdom, you are loose and absolved from all Rules of Government, you are acquitted before God and Man; You have an Army in Ireland, you may employ it to reduce this Kingdom. But he will not interpret whether my Lord meant England or Scotland; but afterwards he said positively to reduce this Kingdom, applying it to England.*

Mr. Whitlock summed up the Evidence, *That it was clear my Lord of Strafford had a strong Design and Endeavour to Subvert the Fundamental Laws and Government of England, and to bring in an Army upon us to force this Kingdom to submit to an Arbitrary Power. That he would not aggravate these words, which were to allay them, having in them more Bitterness and Horror than he is able to Express.*

The Earl's De-
fence.

After some little pause, the Earl made his Defence; *And first to the Earl of Traquair's Deposition, the said Earl says, That it was the Resolution of the Council-Board, and that he gave his Vote among the other Lords, That if the Commissioners of Scotland gave not Satisfaction, the King might put himself into a posture of War; So that his Opinion was the same with the rest, and he thinks himself in great Safety, having the Concomitant Opinion of so many wiser Persons than himself.*

And for the Earl of Moreton's Deposition, he hopes when the Council of England had resolved it, it was no great Crime for him to say, That the unreasonable Demands of Subjects in Parliament, was a good ground for the King to put himself into a posture of Defence; and for his saying it was not Religion but the Root of Government they strook at, that he thinks he and every man that thought so, had reason to say as he did.

As to Sir H. Vane, the War being resolved, and whether Offensive or Defensive the Question, he hopes it is not Treasonable for a Privy Councillor to give his Opinion according to his Conscience; to do so, being their Duty and according to their Oaths, and that he was as free to give his Reasons one way, as any other person another.

As to the seizing the Ships, Barnwell's Testimony is only by hearsay, but he will inform their Lordships by proof, that the Scots Ships were stayed by the Lord Admiral's Warrant, which Mr. Slingsby attested; so that the Earl said it might appear he was no such Stirrer or Incendiary between the King and his Subjects as he was represented.

To

To the 21 Article and the Lord Primate's Examination about the King's using his Prerogative, it is but singularis testis, and only in way of Argument; but that the words fairly construed and clearly understood, have no ill sence; for the King may use his Prerogative as he pleases, because the King's Pleasure is always just; and to think the King will use his Prerogative otherwise, were a high Offence; or to think he will use his Prerogative otherwise then as befits a Christian and Pious King.

To my Lord Conway's Testimony, That the King might help himself though it were against their Will; He answered, That to help a man's self is Natural; for Self is the last Creature that leaves any person; and what is natural to every man, is so to the King, who is accountable not only for Himself, but his People.

To Mr. Secretary Vane's Testimony, That if the Parliament should not succeed, he would be ready to assist His Majesty any other way, He sees not where the beynousness or venom of the words is to endanger his Life and Honor; and he conceives Mr. Treasurer said as much; and the Wayes the King could command, or he serve him in, he took to be lawful wayes; and that in all Debates he concluded, That the safest and surest Expedient, was a Parliament, to make both the King and People Happy.

As to his procuring the Parliament of Ireland to declare their Assistance in a War against the Scots, he desired the Remonstrance of the Parliament before the 4. Subsidies might be read; which was,

That whereas they have with one Consent, cleerly given to His Majesty, Four entire Subsidies towards His present Preparations, to reduce His Disaffected Subjects, the Covenanters in Scotland, to their due Obedience; They still hope that His Majesties great Wisdom, and unexampled Clemency, may yet prevail with the worse affected of those His Subjects, to bring them to that conformity and submission, which by the Laws of God and Nature they owe to him: But if His Majesty shall be enforced to use His Power, to vindicate His just Authority: This House for Themselves, and the Commons of this Kingdom, do profess, That their Zeal and Duty shall not stay here at these Four Subsidies, but humbly promise, That they will be ready with their Persons and Estates, to their uttermost ability, for His Majesties future Supply in Parliament, as His great Occasions, by the continuance of His Forces against that distemper shall require. This they pray, that it may be represented to His Majesty by the Lord Lieutenant, and Recorded as an Ordinance of Parliament, and published in Print as a Testimony to all the World and succeeding Ages; That as this Kingdom hath the happiness to be Governed by the best of Kings, so they desire to give cause, That he shall account this People among the best of His Subjects.

Part of the Remonstrance of Parliament in Ireland, about War with the Scots.

If he had procured this Declaration, it had been no Crime; but he had no part in it, but it was their own voluntary free and chearful Action.

For the Confederacy charged between him and Sir George Radcliff to bring over the Irish Army to destroy England, if it be made appear that he had so much as a thought of it, he would give Judgment against himself as unworthy to live, who would enslave himself and his Posterity. That he hath a Heart that loves Freedom as well as another man, and values it as highly; and in a modest and dutiful way, will go as far to defend it: it is an Opinion he learnt in the Honourable House of Commons, That to stand for Property and Liberty, renders a man the best Subject; That this Opinion hath gone along with him ever since, and he hopes he shall carry it to his Grave; That

what

1641.

Earl of Northumberland.

Marquess Hamilton.

Sir Tho. Lucas.
Mr. Slingsby.

Sir William Pennyman.

what is deposed by Sir Robert King and Lord Ranulagh as to Sir George Ratcliff, cannot affect him, since the meanest Subject in the Kingdom cannot commit Treason by Letter of Attorney; And it is a priviledg, which though he hath the honour to be a Peer, he never desires to do it by Proxy; and that the Army was never intended to set foot on English Ground, he desires my Lord Northumberland's Examination may witness for him, by which it appeared they were designed for the West of Scotland; nor did he ever hear of any Design of reducing the Subjects of England by that Army. The Lord Marquess Hamilton also attested the same; Sir Tho. Lucas Serjeant Major General of the King's Horse attested the same. Mr. Slingsby who was of the Council of War, affirmed the design was to land them at Ayre in Scotland, and that he had order to provide a Magazine, Shipping and Flat-Bottom Boats for that Design; and that he had a Coast Map drawn of that Place for that purpose.

Sir William Pennyman also attested, That some of the Lords Petitioning the Irish Army might not land in England, my Lord Strafford told him, He wondred at it, for there never was any such intention.

As to the Testimony of his Brother deposed by Sir Tho. Barrington, That England would never be well, till it was conquered again, he observed, That his Brother, his Friends, his Table, his House, his Bed, every place is searched to convince him of that which he thanked God he was never guilty of. That what his Brother sayes is nothing to him, and he desired he might be Examined; but Mr. Maynard opposed it as tending to clear himself, and so he was not heard. The discourse between my Lord Bristol and himself he confesses, but that what he said was in case of Extream Necessity, as Invasion, when there is not time to call a Parliament, he conceives the King being accountable to God Almighty for Himself and People, he may Use his Power. And for the other words, That the King is not to be Mattered by the frowardness, &c. he does not remember it, but relies so on the Honour of my Lord Bristol, that he affirming it, he will not deny it, but reserves to himself in this case the Benefit of the Law, that it is but a single Testimony. He owns what my Lord Newborough deposed, and thinks the King is not secluded more then another person from doing the best for himself in a fair and just and honourable way. The same he sayes to my Lord of Holland's Deposition, That it is grounded upon Salus Populi Suprema Lex, and speaking it as he did with these Limitations, doth quite alter the Case; besides, that these discourses were private, and rather argumentative and problematical, then positive, and to make these Treason, were to debar men the joy and comfort of human society. But all this while these were but words, which by Act of Parliament though much higher, are not Treason, citing a Clause of 1 Ed. 6. c. 12. Be it Enacted by &c. if any Person or Persons do compass and imagine by open Preaching, Express words or Saying to depose or deprive the King, his Heirs or Successors from his or their Royal Estate or Title, or openly publish or say by Express words or saying, That any other Person or Persons other then the King his Heirs or Successors of Right ought to be, &c. yet the first and second offences are not made Treason, but only the third. That it was the wisdom of their Lordships Noble Ancestors to chain up this Lion, by concluding what is Treason, and not to suffer him to tear us all in pieces by Arbitrary Treason, which would make actions of Treason more common than Actions of Trespasse.

To the words charged in the 23d Article, spoken at Council Board or Committee of Scotch affairs, of the King's being absolved from all Rules

of

of Government &c. Mr. Treasurer who deposed them, hath reversed his Testimony, saying, first Your Majesty hath an Army in Ireland, which you may employ there; Afterwards upon being Ordered to repeat his Testimony, he said, which you may employ in England; and whereas he calls in aid of my Lord of Northumberland, his Lordship in his Examination denies absolutely his bearing any such words, he says indeed he conceives there was intended some Extraordinary wayes of raising money, which my Lord Strafford says was meant of borrowing 3 or 400000 l. my Lord Marquess Hamilton remembers no such words. Then he desired the Lord Treasurer might be examined, who averred he never heard my Lord Strafford speak any such words. The Lord Cottington averred the same, only he heard my Lord Strafford say, The Parliament had not provided for the King, or had left the King without money; which was no more then truth. And to the extraordinary wayes, That my Lord said, the King ought to seek all due and legal wayes, and use his Prerogative *Caste & Candidè*, and so my Lord concluded, That Mr. Secretarie's at most was but a single Testimony of Words, which by the before recited Statute requires two sufficient Lawful Witnesses, or the voluntary confession of the Party. He desired that the Antecedents and Consequents of his words might be taken together, and that being spoken of a Case of extreme necessity, and the King's using his Power *candidè & caste*, and they would not with those restrictions and limitations with which he spake them, he hoped, appear so criminal. And for this purpose he desired the Earl of Northumberland's Examination might be read, which was, That he heard the Earl of Strafford often say, That that Power was to be used *Candidè & Caste*, and an account thereof should be given to the Parliament that they might see it was only so used. That further the Earl of Strafford said, That the Kingdom could not be happy but by good agreement between the King and his People in Parliament. The Marquess of Hamilton also being Examined, attested the same, and that he heard him speak those words both before and after the Parliament, and that it was upon the Occasion of his informing the King, that the Scottish Army would certainly invade England. Lord Goring and Sir Thomas German attested to the same Effect. Lord Treasurer said, he remembered the words, but not the particular occasion, He then added, That as this was his meaning, so it was cleared to be so by the subsequent Actions; for nothing had been done upon it against the Laws and Customs of the Realm; that these words were spoken in full Council, where he was upon Oath to speak his Conscience; and had he not done so, he must have been perjured; and if he must be either perjured to God, or a Traytor to man, he had learnt to fear him who can destroy both Soul and Body, and not Man, who can only kill the Body; That it was but his Opinion, if held pertinaciously may make a man a Heretick not a Traytor, yet he was not pertinacious, he pressed it no further, nor was any thing done upon it. He further desired their Lordships to consider the great Trusts and Thoughts they were born and bred to, for the weighty imployments of the Kingdom, but this would disable and discourage men from that service, if a Councillor delivering his Opinion, shall upon mistaking or not knowing the Law, be brought into Question for his Life and Honour and Posterity, and that few Wise and Noble Persons would upon such unsafe terms adventure to be Counsellors to the King; humbly beseeching their Lordships to think of him so, as not to bring an inconvenience upon themselves and Posterity.

To

I 6 4 I.
Managers re-
ply.

To this Mr. Whitlock replied, That whereas my Lord Excuses his words as being only concurrent with the Vote of Council, it is evident some were of another Opinion; That whereas he says he therefore gave advice, conceiving the Scots Demands strook at the Root of Government, it is plain they did not, being since by Royal Assent made Acts of Parliament in Scotland; it was his Resolution, his Advice there should be an Offensive War: For staying the Ships, they will not insist upon it. For his saying, The King's helping himself was a Natural Motion; to do it against the Will of the Subjects, was a Violent Motion, and his Lordships Design; and for helping the King in other ways if the Parliament were Dissolved, he was willing it should be so, by proposing Supplies before Redress of Grievances, and before a Resolution, Whether they would give, to inform against the Parliament by mis-information; and for the Parliament of Irelands Resolution and Declaration, it was by his procurement, being Chief Governor there; And for Using the Army against England, admitting the primary Intention were to land them in Scotland, but when the Army was landed, his Intentions might change, and it seems it was, by his labouring to perswade the King to make Use of it to reduce this Kingdom. That no Answer was given by my Lord to those words, That the King was not to be Mastered by the forwardness of his People, &c. That notwithstanding the Stat. of Ed. 6. it is High Treason to advise the Destruction of the King; and though the words in themselves are not Treason, yet as they declare an Intention of Subverting the Laws and Government of the Kingdom, they are. That Mr. Treasurer swears the words affirmatively; and that others did not hear, disproves not his Testimony: but comparing all together, it appears his Intention was to bring in that Army to reduce this Kingdom. That His Majesty must not be mastered, implies he must master them, and that by the force of others, and to compel the Subjects to submit to an Arbitrary Power. That nothing was done upon those Councils, is no Excuse to him; it is an Obligation to the Subjects to Love and Honour the King for rejecting them; but yet some things were done which my Lord will never be able to justify; concluding, That this was not only Crimen læsæ Majestatis, but also Reipublicæ.

Mr. Maynard seconded Mr. Whitlock, observing, That my Lord had taken such a course to weaken the Testimonies, that allowing it, nothing will be so strong, but he will take off the strength of it, and that is by taking them in pieces, and then saying they are but single Evidence; whereas it is Evident, that upon all occasions he spoke such words, if his Adverbs Candidè & Castè must be applyed to what is lawful, they were needless; and truly he may say it was done Cautè, thò not Castè. The Case comes to this, There was a Parliament Sitting, a little before he casts out words about raising Money, which must be made good by Adverbs; Money must be raised in an Extraordinary way, the Parliament is broken, a Necessity made, and Soldiers must be brought in to make good these ways; take these asunder, and my Lord will make it a good Action; but taken together, they make good the Charge; and that though Treason is not in his words, but in his wicked Counsels.

Mr. Glyn took up the Bucklers and added, That he had ascended the Throne, and by ill Counsels endeavoured to infuse his Venom into the King's Person, and to Corrupt the Fountain; but God be praised he met with a Gracious King, upon whom he could not prevail; and for his bringing the Army into England, thò he tells Sir William Pennyman he did not intend it, yet there was Vox Populi, and that was a horrid Witness. That he intended to invade the Property of the People, is plain from his own words, That the King should make Restitution when the Danger was over; and his say-
ing;

ing, That a Privy Councillor ought not to be questioned for his Counsels, was so great a proof of his Actions, that he could not give a Greater.

I 6 4 I.

Then by consent, my Lord moving for a dayes interval, his Voice and Strength being spent, the Court was adjourned till *Wednesday*.

Upon *Wednesday* the Commons proceeded to the 25th Article of the Charge, concerning the Earl of *Strafford's* advice of *Vigorously* levying Ship-money, and by compulsion Endeavouring to raise money upon the Lord Mayor and City of London; and that for their not complying, they deserved to be put to Fine and Ransom.

Wednesday,
April 7.
Artic. 25.

To this the Lord Treasurer Bishop *Williams* deposed, That Ship-money coming in very slowly, they were forced to take out great Sums to furnish the Fleet out of the Money provided for the Army, and my Lord *Strafford* said, That if it were not repaid the Army would be destitute, and therefore advised the Ship-Money might go on vigorously to repay it.

Lord Treasurer.

Sir *Tho. Wiseman* deposed, That the Aldermen being called before their Lordships about the Loan, my Lord *Strafford* said, They would never do their Duty well, till they were put to Fine and Ransom; and to His Majesty, You will have no good of this man, meaning, as he supposes, the Lord Mayor, till he be laid by the heels: but whether about Loan or Ship-money that was spoken, he remembers not.

Sir *Thomas*
Wiseman.

The Earl of *Berkshire* deposed, That the King desiring to borrow Money upon good Security at 8. per Cent. and the Aldermen Excusing themselves for nominating who were able to lend in their several Wards, my Lord *Strafford* said, Gentlemen, in my Opinion you may be liable to Fine and Ransom for refusing the King's Command in not certifying the Names.

Earl of *Berks*.

Sir *H. Garaway* deposed, That being Lord Mayor, he attended the Council about Ship-Money, informing His Majesty, That the Willing Men had only paid the Money, and they thought it unequal others should go free; That it was the Opinion of the City, That a Writ for Ship-Money and a Writ for a Parliament did not agree; and that they found People generally averse to it: whereupon my Lord *Strafford* said to the King, Sir, you will never do good on this Man, till you have made him an Example, he is too diffident; (or to that purpose) unless you commit him, you shall do no good upon him: And about the Loan-Money, desiring to be spared in setting a Rate on Mens Estates, the Earl said to the King, Sir, you will never do good of these Citizens of London, till you have made Examples of some of the Aldermen; to his best remembrance he said, Unless you hang up some of them, you will do no good upon them; this he spake positively.

Sir *Henry* *Garaway*.

The Earl replied, That he would speak with as much Truth, tho not so much confidence as this Gentleman; That he must still insist upon this, that admitting it proved, it does not amount to Treason, nothing being proved but by single Testimonies; that as to Ship-money, there was a Judgment given in the Star-Chamber, and if he was in an Error, he was led into it by the practise of the Times and wiser men than himself; howbeit, he doth not justify himself in that point, being better informed by what he hath heard since, is the Judgment of those to whose wisdom he submits. That in such a Case of extreme necessity, he might hold the Aldermen lyable to

The Earl's
Defence.

I 6 4 . I.

Fine and Ransom, in case they did not submit to the King's demands; he wishes he had not spoken them, but being a little Excess of Extravagant Speech, he hopes by their Lordships Favour it may be excused; and God forbid for every such Excess a man should be Arraigned for Treason; for otherwise few would Escape the Danger of hasty words: for the words about hanging them up, My Lord Major at first said it to the best of his remembrance, and afterwards absolutely, And he says to the best of his remembrance he did not speak them; and if he did, being spoken in so good Company, some of their Lordships would have remembered them. And however it stands with him now, before these misfortunes befel him he was equally to be Credited with this Gentleman; all the difference being, one says it, the other denies it; and that at most being a hasty word, and excusable in a free spoken man, as he was, and who smarts for it, he hoped their Lordships Honour and Justice will rather Excuse then punish it.

Managers
Reply.

Mr. Maynard replied, The Committee shall need to say little to this Answer, but that such words compared with his other words and Actions, proceed not from passion but Principles to do all things by his Will against Law; and that my Lord knew these things, and especially the Ship-money were against Law, himself having so great a hand in the Petition of Right.

Mr Glyn added, That whereas my Lord thinks it hard to be questioned for hasty words as High-Treason, their Lordships may remember how for words concerning Treading on his Toe he prosecuted the Lord Mountnorris as far as to Life.

Artic. 26.

Rob. Edwards.

They next proceeded to the Charge in the 26 Article, concerning seizing the money in the Mint, and Embasing of Coyn.

To prove this Robert Edwards sworn, deposed, That going to represent to him the Inconvenience of the seizure of their Money in the Tower, and that some Forreigners being concerned in it, the Merchants Estates abroad upon their Complaint would be seized, my Lord answered, That if they fared amiss, they might thank themselves; and though they think it so strange here, yet beyond Sea it is not so, but on Commands men have their Goods taken: and touching the City he said, They dealt unthankfully with the King, there being 14000 l. due for Ship-money, which they denied, and did more to maintain Rebels, than to maintain his Majesty. Being bid repeat it, he said upon their Petition to my Lord about the Money in the Tower, the Earl said, That if they did speed amiss, they might thank themselves, for they were more ready to hold with Rebels than to give the King his due, which was 14000 l. Ship money; that my Lord was sick and sate in his Chair, said, That he knew nothing of it till that morning.

Ant. Palmer.

Anthony Palmer sworn, deposed, That in discourse with my Lord about base money, and giving him reasons against it, he shewed him and the other Officers of the Mint a Letter sent him out of France, and read it in English, That the French King had appointed Officers to view mens books and accompts, to know what the King might demand of them and force them to pay; and something to this purpose, That it was an Example, or might be an Example to do the like in England.

Henry Gogan.

Lord Cottington, Sir William Parkhurst and Mr. Gogan being Present. Mr. Gogan sworn, deposed to the same Effect; and that he said to my Lord Cottington, My Lord, this is worthy your Consideration, or hearing, or to that purpose.

Sir

Sir William Parkhurst sworn, deposed, That they were discoursed about the Copper money made for Ireland in Queen Elizabeth's time, and shewed them such a Letter, and read the contents in English, as before expressed, but further he heard him not say, nor any thing as expressed to the Lord Cottington, or that if the King should do so he should follow the Example of other Princes.

I 6 4 I.
Sir William
Parkhurst.

Sir Ralph Freeman sworn, deposed, That in a Debate about Copper-money, he saying the workmen would not work if paid in that money, my Lord replied, You know what course to take with them, you may send them to the House of Correction.

Sir Ralph Freeman.

The Examination of Mr. Thomas Skinner was read, he being not present, and my Lord having a Liberty reserved to Cross-Examine him, he in his Examination, about the seizure of the Bullion, applying with others to my Lord, he told them he knew not of it till that morning, and that it was no news in other Countries where Princes made use of such wayes to serve their Occasions; and in Effect about the Cities ingratitude &c. as the other Witnesses.

To this he answered, after some Recollection, That for that part which would have been the principal part of the Charge, concerning his Approving, Counselling or Devising these Projects, there was no proof offered, and that the Testimony of the Witnesses acquits him; for the undutifulness of the City the proofs are full, and fuller then any thing of the Charge since his Tryal began; that at that time he thought so, but since he is of another Opinion, and expressed himself so at the Council of Peers at York, upon the Cities lending the King 200000 l. and that he would serve them with his Life. For the French Letter, and what was said to the Lord Cottington, Mr. Gogan is singular in his Testimony; this Letter he received from the Lord of Leicester, which mentioned how the Cardinal had given directions to go into the Houses of diverse Merchants in Paris &c. and having read it, said; You see what is done in other places, but God be thanked you have so Pious and Gracious a King, that he thinks on none of these things.

The Earl's
Answer.

My Lord Cottington being interrogated, said he knew nothing of the Letter, nor ever heard of it, but because he would recall it, he spake with Sir William Parkhurst and Mr. Palmer, they told him that while my Lord was reading the Letter he was in another Room writing. From whence my Lord concluded, That having told their Lordships the truth clearly, under Favour of these Gentlemen, he thought nothing can incline one way or other to be an Accusation of High Treason.

Mr. Maynard replied, That his words concerning the Great City of the Kingdom was no such slight thing.

Managers Re-
ply.

Mr. Stroud added, That whereas my Lord sayes Words only are laid to his Charge, words may be Treason and more dangerous than some Actions, such were his Counselling the King and Provoking him to Tyrannical Actions to his Subjects; but my Lord stayes not here, for Four Aldermen were Committed that day he gave the Counsel, concluding, That his words and Actions agree in this Kingdom, and the miseries of this Kingdom do agree with his words and Actions.

Mr. Maynard proceeded to the 27th Article, of the Earl's Levying Money in Yorkshire, and threatening the Refusers, to take satisfaction out of their Goods, and that to refuse, was little short of High Treason.

Artic. 27.

I 6 4 I.

The Petition
of the *Yorkshire*
Gentlemen.

First the Petition of the Gentlemen of the County of *Tork* was read in these words.

WHEREAS Your Majesty imparted to us the danger, by the incursions of the Scots, and the necessity of continuing the Trained-Bands of this County in entertainment for two Months, & raising Money so long, and did Royally assure us, That the Wardships of such as dyed in this Employment, should be freed, and one third part of the Trained-Bands should be abated, for which we acknowledge our bounden thankfulness, in ready obedience of Your Majesties Command, we have represented to Your Majesty our present Condition, and in the entrance of the business, we found a great impediment and discouragement, by certain Warrants produced for levying Money, towards this new service, wherein in the first place, we cannot omit to let your Majesty know, the great grief we have, in that the County is there charged with disaffection and backwardness therein, which as we are confident, we never were guilty of, so we were in good hope, your Majesty had received no such Impression of us. And in the next place, we find our selves much grieved, that the execution of such Warrants, which we conceive illegal, should be concluded and urged on peril of life; notwithstanding the strictness of which Warrants, we find divers parts of the County have not been able to pay the Money demanded, and from thence, and the attestation of divers Gentlemen, we are assured the scarcity of Money is such, that it is disabled from satisfying your expectation therein; And that Your Majesty may know it is no pretence, but a real poverty; we are bold to represent the Charges, viz of

Ship-Money.

Vast expences the last year in Military affairs.

The Billeting and Insolency of Soldiers this Summer, part of the time on the credit of the County.

Decay of Trade.

Stop of Markets.

Charge of Carriages, especially in Harvest, by which means, not only the common people, but most of the Gentry, by the failing of Rents, are much impoverished.

And therefore we petition Your Majesty, You will accept our endeavour, to prevail with the Country to raise so much Money, as will pay the County one whole month, from their first rising, within which time, (as is generally reported) Your Majesty hath Commanded the attendance of the Peers, to consult for the safety of the Kingdom, and pray the Trained-Bands may be continued in the Villages, where they are Quartered, except Your occasions otherwise require it; and in the interim, for the redress of these Grievances, and security of Your Kingdom, Your Majesty will please, to Declare Your Pleasure for summoning the High Court of Parliament, &c.

Sir Philip Stapleton.
Sir Hugh Cholmley.

This Petition Sir Philip Stapleton deposed upon Oath, to be the true Petition. Then Sir Hugh Cholmley deposed, That according to the desire of the Gentlemen, this Petition was by the Lord Wharton delivered to the Earl, who took Exception at their Petitioning for a Parliament, and said, Leaving out that Clause he would joyn with them in that Petition.

Sir Hen. Cholmley.

Sir Henry Cholmley deposed, That informing any Lord that notwithstanding the Warrants; Money came not in, and that unless he had money shortly the Regiment of which he was Colonel, would disband; his Lordship told him, he would send a Levy on the Goods of those that refused; but knows not whether such Levies were sent.

Sir John Hotham.

Sir John Hotham deposed much to the same Effect.

Sir Philip Stapleton.

Sir Philip Stapleton deposed, That the Gentry upon the King's Summons being met, drew the Petition, to which there were 100 hands, and that the Earl

Earl refused to deliver it, unless the concluding clause were left out.; but most of them resolved to stand to that Petition, and many went out of Town, not doubting the delivery of it. My Lord put it to the Vote, where there were many Papists, and on the Vote delivered an Answer, what he knows not; for he stayed behind to draw another Petition and humble Protestation to his Majesty; that this Petition was the Answer of the Countrey.

1641.

Lord Wharton deposed, That attending my Lord Strafford with this Petition, he refused to deliver it upon the Exception before mentioned; that divers of the Gentlemen that were there would not go back, from that with which so much humility and reason they thought was desired; thereupon my Lord went to the King; but they who thought not fit to alter the Petition went not with him, and what he said, he knows not.

Lord Wharton.

Then this following Warrant of Sir William Pennyman's was produced, and he owning it, and it being, not in Accusation of himself, but grounded on my Lord Strafford's Command for Levying money, it was read.

To the Constable of Sergeant-Major Yaworthe's Company.

Whereas the Lord Lieutenant-General of his Majesties Army, by His Majesties Command, sent forth Warrants to the Constable of this Weapontake of Longborough, for Collecting and Paying the Soldiers of my Regiment, Six weeks pay, to be delivered from my hands, which is not yet received from, &c.

Sir William Pennyman's Warrant.

These are therefore once more in his Majesties Name, to Will and Require you forthwith, to pay, or cause to be paid to the said Sergeant-Major, the several Rates and Proportions, both of the First and Second Contrilution, Assessed on your Town, &c. And if any Person or Persons shall refuse so to do, you are instantly on receipt hereof, to bring him or them, &c. to serve in their own Persons, for the defence of this County, as the necessity of this Cause requires; And hereof, &c. fail not 19 Octob. 1640.

William Pennyman.

To this Sir William deposed, That he cannot say whether the first Warrant was issued by the Vice-President, or whether any was issued by my Lord Strafford's direction; And being again and again urged to speak positively and Categorically, he said, he did verily believe the ground of the Warrant of the Deputy-Lieutenants to Levy money on the Countrey, was, That my Lord told them, That he had acquainted the Lords of the great Council and his Majesty, and that he did it by their consent; but he was out of the room when it was drawn, only Mr. Rockly a Deputy-Lieutenant told him so.

Sir Henry Griffin deposed, That he heard my Lord say, That he had direction from the great Council to Levy money for Sir William Pennyman and Sir Thomas Danby's Regiments, and that by a clause in the Order the Refusers were to be compelled to serve in person.

Sir H. Griffin.

Sir Robert Strickland sworn, deposed the same.

Sir John Burroughs sworn, deposed, That upon the 20th of October, Mr. Robert Strickland and Mr. Mallard coming as he thinks to tender their services to the Lords, among other discourse, mentioned some Order concerning the relieving the two Regiments for the Guard of Richmonshire, and that thereupon themselves, my Lord Strafford, and the rest of the Deputy-Lieutenants

Sir Robert Strickland.
Sir John Burroughs.

1641.

tenants had granted Warrants for the assessing Money; at this the Lords were startled, and commanded him to inform them if there were any such Order; he told them, (being Clerk) That he remembered none, nor drew up any; The Lords desired those 2 Gentlemen to give them Copies of those Warrants they had sent out, and that Sir John should take their Testimony; which he did. My Lord of Strafford did take notice that some such thing had been done at Rippon, and said then to the Lords, That he did conceive he had the King's Order and their Lordships approbation for the issuing out of this Warrant; but since he conceives their Lordships disliked it, and had taken Copies of it, he was very willing to withdraw these Warrants. And this was on the last day of the great Council, but that my Lord-Deputy appealed to the King, and the King said, he did acquaint him with it before the Lords, but that the Lords absolutely declined the making any such Warrants, and were generally against it.

Mr. H. Cholmley.

Mr. Henry Cholmley sworn, deposed, That my Lord said, That the Custom was, that private men should serve in Person in the Trainbands, or maintain the Charge of them, and the Common-mens Charge is born by the Constables of the Town whence they come; and told the King, Sir, if you please Mr. Vice-President may, or shall, send out Warrants to this purpose.

Will. Dowsen.

William Dowsen deposed, That Mr. Yaworth, Sir William Pennyman's Major, came with 4 Musketeers to Egton, sent for the Assessors, who being unwilling to assess, he told them they should answer it before my Lord General, and shewed a Warrant from Sir William Pennyman, but he did not see it, but 2 Musketeers went with each Constable to Levy the money.

Will. Pierson.

William Pierson deposed the same, And that he saw Sir William Pennyman's name to the Warrant, and that in the Town 4 Musketeers went with the Constable.

Sir William Ingram.

Sir William Ingram deposed, That inquiring of my Lord Strafford how the Soldiers must be maintained, my Lord told him the private men must maintain their Soldiers at 8 d. per diem, or else he would commit them, and the Soldiers should be maintained at that Rate out of their Estates; and if any refused to pay their Assessment, they should be committed to Prison and lye there; and he would have all men to know, that refused to pay such Contribution, that they were in little better Condition then guilty of High Treason.

Sir Henry Griffin.

Sir Henry Griffin deposed, That his Regiment advancing, he received 300 l. on the Assessment by virtue of this Warrant, but more they could not, nor would not pay; upon which complaining to my Lord he told him, he would take a Course; and my Lord did grant forth his Warrant, and sent a Messenger from Constable to Constable, and all was paid; and for ought he knows voluntarily.

Sir Hugh Cholmley.

Sir Hugh Cholmley deposed, That of those who staid with my Lord Strafford and joyned in the latter Petition, they took a Note of above twenty that the Countrey had an opinion of, that they were Papists, or men affected that way; but whether convicted or not, he could not tell.

The Earl's Defence.

After some little time of Recollection the Earl made his Defence, That as to the Petition whereas they were to meet together, and he having some poor Interest in the Countrey, and not being made acquainted with the drawing of it, but it was done privately, he appeals to their Lordships, whether he who was made a Stranger to the beginning of it, should be over officious

officious to serve them in the Conclusion; he acknowledges he did disadvise the Clause about Petitioning for a Parliament, not out of aversion to Parliaments, for he told them at the meeting of the Great Council, his Majesty would be pleased to call a Parliament, and that their Petition would neither further nor hinder it, and therefore might be forborn, and the King left free in his Acts of Grace to his People, that he might have all the Honour of it to himself, and it should proceed from his own Goodness and Royal Breast, not as advised to it by any others, thereby to apply the Affections and Gratitude of the People to his Majesty.

As to the second Message and raising a Tax without lawful Warrant, he said, That on Debate of the business, of 200 present, not above 3 or 4 Dissented, but that they did totally lay aside the Petition, and gave him Commission to signifie to his Majesty how willing they were to contribute a Months pay to the Train Bands; which he did faithfully deliver, and named divers who gave their consent who were free from the imputation of Popery as any in the County.

To this Sir Paul Neal was Examined, Who attested it was according to the Account his Lordship had given, that if he thinks 200 Gentlemen Except 4 or 5 he dares swear not 10 the whole Vote of the Company was, that it should be delivered according to the substance of the Petition, the last Clause left out.

Sir Edward Osborn averred, That all but about Ten did consent to a Months pay and to leave out the Clause, and not above 4 or 5 Gentlemen opened their mouths against this consent in words, their hearts he knows not.

Sir William Pennyman attested the same, And that divers who had set their hands to the Petition did retract it, himself for one, and several Members of the House whom he would name if their Lordships thought fit, but it was waved, and as Sir Edward Osborn said, before the Crowd was so great that at the delivery of the Message by my Lord to the King he could not come near to hear, whence my Lord observed it was not done in a Corner when Persons of their quality could not come near.

Sir William Savil attested the same, In effect as to retracting the Petition, the number of Dissenters, and that my Lord delivered it in his hearing faithfully to his Majesty, and with much more advantage then the Petition was drawn, and that he believes verily a months pay was the intention of them all, and where he lived it was paid very willingly and no complaints of want of Money. Sir William Pennyman, Sir Edward Osborn attested to that point.

Sir Edward Rhodes attested much to the same purpose, And that the Hall being appointed for the place of Debate of this Affair, My Lord Strafford took notice that he was not fairly dealt with to have a Petition drawn without his consent and the business concluded before the time and out of the place appointed, and that of 3000 Gentlemen he thinks not so many as 20 did disassent.

Sir Thomas Danby attested the same, only upon Mr. Maynard's question, Whether two Soldiers were not hang'd for mutinying for want of pay? which they would not have done, if they had been well paid, Sir Thomas answered, he could not speak to that without prejudice to himself he being questioned for hanging men by Martial Law.

Sir

Sir Paul Neal.

Sir Edward Osborn.

Sir William Pennyman.

Sir will. Savil.

Sir Ed. Rhodes.

Sir Tho. Danby.

1641.

Sir George
Wentworth.

Sir George Wentworth of Woolley attested the same, As to retracting the Petition, and my Lords delivering it by word of mouth, &c.

My Lord then proceeded to the matter of Sir William Pennyman's Warrant, and declared, *That upon the complaint of those who maintained the 2 Regiments at Yarum and Richmondshire, desiring that common Justice might be done in the common misfortune, he did, divers of the Lords being at Rippon, humbly present to the King and great Council of Peers at York, That it was Justice and Reason, that the rest of the Countrey should contribute towards the Charge for the common benefit, or else successively relieve those Regiments; this he moving, his Majesty was pleased to assent and gave direction he should proceed; upon which he said, Then if my Lords approve of it, I shall see it done accordingly.*

That divers of the Lords said Yes, and he took it for granted; but understanding that some of their Lordships at Rippon were dissatisfied that it was said to be the Act of the Great Council, the last day they met he gave an account of it, and moved the King to know whether the Warrant should be recalled, and some Lords saying the Great Council had no power to Levy money; to which he answered, the Warrant was not to levy money, but to enjoyn the Parties to do their Duties, or pay the money: at which time the King was pleased to Command him to go on, and no person spake to the contrary, which he took for consent; that all he got by it was to have his own Tenants charged, who otherwise would not have paid a Farthing, and that it was done for the ease of the Countrey, and so taken, it being much more for their Ease to pay that money, then to relieve those Regiments, some of them being to march 70 Miles, Sir Edward Osborn, Sir William Pennyman and Mr. Roger Strickland attested this, and that by all parties it was look't upon as an Ease and Benefit. As for Sir Edward Osborn's Warrant and Mr. Yoward's and the Musketeers, he made no Warrant, gave no directions.

But he conceives he hath done nothing but what he was impow'ed by his Commission, a Clause of which was, For the better Execution of this our Commission, We do further give and grant to you full power and Authority from time to time, and at all times at your discretion, to command and require of and from all our Lieutenants and Deputy-Lieutenants in our severall Counties of this our Realm and Dominion of Wales, and of and from every or any of them, to send to you, or such place as you shall appoint, such number of able men for War, as well Horsemen as Foot-men in the said Counties respectively, or otherwise sufficiently Armed and furnished, as you in your discretion shall appoint and require.

And he did not send to pay money, but to relieve them by turns; and if they found it for their Ease, they might do their duty, which by Common Allegiance is due, or be at the Charge to have it done for them.

And then he insisted upon another Clause which is according to the Statute of 11 H. 7. in these words.

And further, Our pleasure is, and we do give and grant for us our Heirs and Successors, That whatsoever you, or any other person or persons of what degree soever, by your Commission, Warrant or Command shall do by Virtue of this Our Commission or Letters Patents, or according to the Instructions aforesaid, or the purport of this Our Commission touching the Execution of the Premises, both you and the said persons in shewing forth these our Letters Patents, or the Constat, or Inrollment thereof, shall be discharged and acquitted against Us, Our

Heir

Heirs and Successors, and freed from all Impeachment and other molestation for the same. And therefore if he erred, he hopes he is to be Excused; for this purpose citing part of the Statute of 11 H. 7.

I 6 4 1.



THe King, our Sovereign Lord, recalling to his Remembrance the Duty and Allegiance of His Subjects, and that they, by reason of the same, are bound to serve the King for the time to come in His Wars, against every Rebellion, and Power, and Might, &c. and whatsoever falls against the mind of the Prince; and, that it is against all Law, Reason and Conscience, that attending His Person, or being in other places of His Command, any should lose or forfeit for doing their true Service and Obedience. Be it therefore Enacted, &c. That from henceforth, no manner of Person, or Persons whatsoever, that attends the King in His Person, and do Him true Allegiance in His Person, or be in other places in His Wars, for the said Deed, or true Duty, he and they shall be any way convicted, and Attainted of Treason, nor of any other Offence by any Process of Law, whereby he shall forfeit Lands, Goods, Tenements, &c. and shall be for that Deed and Service utterly discharged of any Vexation, &c.

Part of the Statute of 11 H. 7.

So that, as he conceives, having done nothing but for the good of his Majestie's Service, the preservation of the Countrey, whatever he may have offended, he hopes by the Act of Parliament and his Commission, he may appear to their Lordships Justice and Compassion to a man that may Err, acquitted of the Charge of High-Treason. For the words, That Refusers were guilty of little less then High-Treason, that taking it, as he said for a denial of Common Allegiance, it is no small Crime, but it is only a single Testimony; for which he takes himself not to be accomptable.

Mr. Maynard replied, That he had in stating his Case encreased not diminished his Fault: for that the consent of some Gentlemen and Free-holders could not bind the rest, and it is no legal way to raise money by Warrant, much less by Force; That he had no consent of the Lords for what he did, as he pretended. His Commission speaks not of money, and the Statute is not to his Case, it being for service on their Allegiance due to the King; and levying Money Illegally, is no part of that service; That he did not first require men to serve, but first pay; and if not, menaces them with Service, as appears by the Warrants; And to the single testimony of Sir William Ingram concerning Treason for non-payment, they produced Mr. Cholmley, who deposed, That his Lordship said, We are all tyed to serve the King in our own Persons, and they that refuse are in little better case then Treason, and punishable in the Star-Chamber. And as he sayes the Warrants were not his, it is evident they were by his Command.

Managers Reply.

Mr. Whitlock observed, That what my Lord pleads in his Justification, are sufficient grounds for his Condemnation; for affirming, necessity absolves the King from Rules of Government, and that subjects may be taxed without assent of Parliament, are expressly against the Fundamental Laws, and a Course to introduce Arbitrary Government.

Mr. Henry Cholmley.

My Lord desired to speak to Mr. Cholmley's Evidence which was new matter, which he said differed from Sir William Ingram's; One sayes, if money were not paid, it was little better, &c, the other, he that

I 6 4 I.

denies his Allegiance, is in little better case than Treason and punishable; and for the assuming by his Commission to raise Taxes, God forbid he should say or think such a thing, but only to call men to perform their Duty for preservation of the King and Countrey. He offered then something as to Sir William Penynan's Warrant, which he said was issued by him and the Deputy-Lieutenants.

Mr. Maynard replied, This was no colour of answer, because a Man must serve in person, therefore money must be required, else he must be brought by head and shoulders to serve in person, and offered a Warrant of Sir Edward Osborn's, made upon peril of Life, and that all that can be imprisonment, levying money, charging upon peril of life, levying of Goods, hath been put upon the Subject.

Mr. Glyn added, That the direction was his, the execution others; that Gogan 5. R. 2. was accused of Treason, for forcing a man to enter into Bond, which is not so much as forcing payments on the King's Subjects.

Then Sir Edward Osborn's Warrant was read, attested by Mr. Cholmley to be the Original in these words.

Sir Edward
Osborn's War-
rant for Levy-
ing money.

VHereas His Majesty is informed, that the Regiment under Command of Colonel Cholmley is set forth with little Money, which expresses great disaffection to His Majesties service, and wilful neglect of your own, and the whole Kingdoms safety; the Scotch Army having taken Newcastle, and being on their march towards these parts: These are therefore to Will and require you in His Majestie's Name, and by His special Command, to raise, and cause to be raised by the Port Constable or otherwise as you shall think best, the sum of 20 s. 8d. at least for each common Soldier's belonging to such Towns or Parishes, & to send the same immediately to York, to be delivered to the Colonel, for Pay and Supply of the said Soldiers, and likewise to charge and command all and every person and persons, who find private Arms, or contribute thereunto, forthwith to send the like sum at least to York, to be disposed as aforesaid; And in case any of them refuse to contribute, you are required by like Command, to certifie me the Names of such refusers, that a Messenger may be sent to bring them hither to serve in person, and be severely punished, according to the Quality of so high an offence, seeing the safety of His Majestie's Person, and the safety of the Kingdom depends on this; Fail not in the speedy execution thereof, as you will answer to the contrary, on peril of your life. Dated the last of August 1640.

Mr. Glyn then said, The 28 Article being still behind, they are not yet resolved whether to proceed or not; but they desire another day to be heard, having something more to say; And then the Court was adjourned, and the next day appointed at 8 of the Clock.

Thus far in the Trial of this Noble Lord, I have followed the traces of the Journals, the Printed Trial by Mr. Rushworth, and a Manuscript which I have by me, which was found in the Chamber, of a Worthy Gentleman a Fellow of Queens College in Cambridge, being in the times of the Persecution hid there; for upon taking up the boards to new lay the floor of the Room, the Work-men found it; the Author, who ever he was, saith he was an Eye and Ear-Witness to the whole Transaction, and avers his account in the Matters of Fact, to be just and Faithfull.

And therefore Mr. Rushworth having not done intire right to the Memory of that Great Man, wholly omitting the further proceedings till the sum-
ming up

up the Evidence by my Lord, and the Replies upon it, together with many Remarkable Circumstances, conducing to the better understanding of the Management of that affair, I thought my self obliged out of the Justice that is due to truth, to supply those Omissions from the Relation of the said Manuscript, and the concurrent Testimonies of the Journals, and other Papers, written and printed at that time upon this Occasion.

I 6 4 I.

Upon *Thursday* the Committee of Managers having declared, that for some private Reasons they would wave the Debate of the 28th Article; Sir *Walter Earle* offered some observations upon the 22d Article, and desired to be heard by their Lordships, conceiving they would do much to strengthen the Evidence, whereby they had endeavoured to prove that the Earl of *Strafford* had real designs of Landing the *Irish* Army in *England*, in Order to prove what was charged upon him, to the subduing of this Kingdom. Though, as my Author sayes, had Sir *Walter* consulted his own Reputation, which by so weak a Charge suffered more then the Earl's, against whom it was intended, he might with more advantage both to himself and the cause he managed, have better spared his endeavours. His Reasons were these:

Thursday,
April 8.

First, that it appears by the Earl's Commission and Instructions, that he had power to Land his Army either in *Wales*, or in any part of *England* or *Scotland*, according to his Discretion; and from thence he inferred, that this Clause was wholly superfluous, unless there had been some such Purpose or Design intended. Secondly, That two dayes before the Date of the said Commission, Letters were dispatched to the Earl's of *Bridgwater* and *Pembroke*, from Sir *Francis Windebank* Secretary of State, to assist my Lord of *Worcester* in Levying Forces for the King's Service, and these might well be supposed to have been intended to joyn with the *Irish* Army upon their Landing. Thirdly, That my Lord *Ranulagh* at the raising of the *Irish* Army, had expressed some fears of such a design and Intention, for the imploying of that Army. Fourthly, That the Town of *Ayre* in *Scotland*, where the Lord *Strafford* pretended to Land the *Irish* Forces, was fortified with Bullwarks, a Garrison and a Block-House, which would prohibit his landing there, and that the Barr or entrance into the Haven was very dangerous and shallow, That the Earl of *Argyle's* bounds were a great way distant, and divided from thence by the Sea. The only proof of this was the reading of the Commission granted to the Earl of *Strafford*.

To this the Earl replied, That his Commission was the same verbatim, with my Lord of *Northumberland's* for *England*; that it was drawn up by the Council-Board here, and sent over to him; so that it could be no worse design in him then in the Earl of *Northumberland*, Lord General of the *English* Army, nor any larger Power given him by it then to my Lord General. That as to the Letters to the Earl's of *Pembroke* and *Bridgwater*, this was the first time, that he ever heard of such Letters, nor did they concern him more then any other Member of the House; and for my Lord *Ranulagh*, he was not bound to purge him of all his fears; that he had his own fears too, which God forbid should be evidence of Treason against any person whatsoever. That it seemed the Gentleman had better information from the Kingdom of *Scotland* than himself, yet he would be confident to say, there was never such a thing as a Block-House, nor then any Garrison at *Ayre*; but to remove all Scruples (for indeed the Road or Landing place is not there safe) he declared, that it was his Intention to have Landed some Miles

The Earl's Defence.

1641:

above Aire, and to have made himself Master of the Town, and then to have made it a Magazine; and for the Earl of Argyle's Bounds, he hoped the Gentlemen knew, that they were not to come on foot out of Ireland, but had Ships to waft and transport themselves, and that one of the Earl of Argyle's prime Houses at Rosneth, was within some few Miles of the same Frith.

The Lord Digby seeing Sir Walter Earle on ground, did handsomly bring him off, and told the Lords, That all their proofs for that Article were not yet ready, and that this was only a Superfætation of the Charge, and that in such a matter of Treason, they must sometimes content themselves to make use of dark Probabilities.

Mr. Glyn then moved, That the Earl might resume his Defences and sum up the Charge, that so the Proceß might be closed as to matter of Fact.

To which the Earl replied, That in his Circumstances all slackness was speed enough; that the matter touched him narrowly, in no less then his Life and Estate, and which he valued much above them, his Honour and Posterity, and he confessed he had no desire to ride Post in an Affair of that Nature and Consequence to him; and that he did verily believe that the Gentlemen at the Bar, if they were in his Case, would think all the time they could obtain little enough, except their greater Abilities and abler Judgments could sooner dispatch the matter then he found himself able to do: and therefore he humbly applyed himself to their Lordships, that, the Remainder of that day might be granted him, to recover his wasted strength, and recollect his Thoughts and Spirits, and that to morrow he would make his last Reply for himself. This was opposed by the Committee, as very prejudicial, Expensive of time, and that it was only to spin out unnecessary Delayes; but after above an Hours debate, the Lords thought it convenient to grant his Lordship that Liberty, and it was Ordered he should appear the next Day.

Friday,
April 9.

Upon Friday morning about 8 of the Clock the Lieutenant of the Tower, and the Gentlemen of my Lord's Chamber came to the Hall, and gave Information to the Lords upon Oath, that the Earl was the last night taken with a Violent Fit of the Stone, and that it was impossible for him to make his appearance, being indeed not able to stir out of his Bed.

The Commons seemed much dissatisfied at this disappointment, and Mr. Glyn said, That it appeared rather an Effect of Wilfulness than Weakness; for otherwise he might have sent a Dr. of Physick to testifie the truth of the matter.

But the Lord Steward made answer, That possibly a Dr. could not be procured so early in the morning, nor was it possible for any Physitian to give a certain Judgment concerning a man's disability by the Stone, because their is no outward symptom that appears.

Mr. Glyn then moved, That if he did not appear on Saturday morning, he should lose the Priviledg of speaking any thing further in his own Defence afterwards, and that they might be permitted to proceed.

The Lord Steward replied, That the Lords had appointed Four of their Number, to go to the Tower, and learn the true Cause of the Earl's stay; and that if by any means he were able, he should be obliged to appear this day; if not, Humanity and Common Equity would excuse him.

The

The Commons were it seems very uneasy at this delay, for resorting to their House after Noon, a Conference was resolved upon with the Lords, the Heads of which were, *That Mr. Pym should represent to their Lordships the pretiousness of time, considering the great necessities of the Kingdom, how much time hath already been spent in this Tryal, and if more should, how prejudicial it might prove to the Kingdom; and therefore to desire that to morrow may be a peremptory Day for the Earl to be heard if he will come; otherwise that the Committee may proceed to the Replication on the whole matter; and the Earl to be absolutely concluded, for saying any more to the matter of Fact.*

To this the Lords answered by Message by Baron Henden and Mr. Heath, *That they have Considered of the Message, and Resolved, That if the Earl of Strafford come to morrow morning he may proceed according to the Former Order; if he comes not, that then the Commons may proceed to Summ up the Evidence as to matter of Fact, and the Earl of Strafford to be concluded as to matter of Fact.*

Some Lords went by Order to the Tower, who at their return certified, *That they found two Physitians with him, of whom they inquired, whether the state of his health would without danger of his Life permit him to appear the next day at the Hall; who informed them, That he had been very ill, but yet they judged he might appear.*

In the Afternoon a Rumor was spread abroad the Town that he was Dead; at which, some who were Strangers to his Merit and Innocence, seemed Exceedingly to rejoyce, so strangely doth the Fickle Genius of the Populace seem to delight it self with the Calamities and Misfortunes even of the greatest Personages, and whilst weak understandings and strong Prejudices filled them with Fears, Jealousies, and apprehensions of Dangers from the Life of this Noble Innocent, they seemed so desirous of his Death as by their wishes to anticipate his Fate.

Upon Saturday he appeared at the Bar, expecting when he should be commanded to summ up his Defence in order to the Commons Replication, when Mr. Glyn begun to offer some new proof concerning the 23^d. Article; but this the Earl opposed alledging *the Procefs was already closed, and that by the Order of the Lord's, who had given him notice that he was now to answer and make his last Defence as to the Charge in matter of Fact, or otherwise to be concluded.*

Mr. Glyn replied, *That the Procefs was not closed so long as the evidence was not summed up, and that it did not become a Prisoner at the Bar to prescribe a method to the proceedings of the Commons of England.* To this the Earl answered, *That he thought it stood him in hand as nearly to defend his life, as it did any persons to pursue it; Yet he was willing they should bring in new Proofs, provided that he were allowed the Liberty to make replies, and make use of some new Witnesses in some Articles that concerned his Justification.*

The Lord Newark upon this contest moved *that the Lords might Adjourn to their own House, to take these things into Consideration; which they did accordingly, and the matter being strongly Debated, the Judges Opinions were consulted in it, and upon consultation gave this Resolution, That according to the Course and Practice of Common Justice before them in their several Courts, upon Tryals by Jury, so long as the Prisoner is at the Bar, and the Jury not sent away, either side way give their Evidence, and Examine Witnesses to discover Truth.*

After

1641.

Saturday,
April 10.

The Judges
Opinion.

1641.

After near two hours stay, the Lord's returned, and the Lord Steward commanded the Order, which they had agreed upon, to be read; which was to this effect.

That it was granted to the Committee for the Commons to bring in new Proof concerning the 23d Article, so they conceived in Justice they could not deny the Lord Strafford liberty to make his reply and examin Witnesses; and that if they were ready, he should produce them; And that if they went to no other Articles, neither should his Lordship; but if they did, that then he might have the same freedom according to Common Justice to offer what he had further to any other Articles.

The Committee construed the Order in favour of themselves, and declined all the other Articles except the 23d, concluding, *that the Earl was restrained by it from all Articles but that.* On the other side he said, *That he conceived the Order was for him, and that since they had pick't out their Article it was against Common Equity to tie up his hands, and not admit of a Common Rule for them both.*

They replied, *That when that Article was prosecuted, they had reserved their further Witness till another time.* He answered, *That he had done the same upon every Article, the time for procuring his Witnesses from Ireland being so short.* To which they returned, *That the House had refused his Reservation.* He answered, *Nor had they passed any Order for theirs.*

Upon this new Contest, the Lords adjourned again to their own House, and after two Hours hot Debate between themselves, they returned, and the Order was read to this Effect, 1. *That either both of them should wave the new proofs, and go immediately to what follows in the Process; or Secondly, if they declined that, the Lord's conceived themselves common Judges to both, and so would not deny the Lord of Strafford the liberty of pitching upon what Articles he pleased as they had done; or Thirdly, That both of them should name their Witnesses instantly at the Bar.*

At this the Commons shewed great dissatisfaction, yet they desired the Earl to name his Witnesses, if he would receive any benefit of the Order. He answered, *That he would nominate after them in regard they were first in the Order.* They replied, *That he knew their Article, they did not know his;* He said he would bring proofs about the 2. 5. 13. and 15. Articles, and desired, *that they would proceed to the Nomination.* But they told him, *They could not submit to the Order without the advice of the whole House.*

Then suddenly a mighty Noise followed of the whole House of Commons, calling out *Withdraw, Withdraw;* which they did with those Eminent Symptoms of displeasure, and in that Tumultuary Confusion, that it produced fear and wonders in the Spectators; for both the Houses broke up without so much as adjourning the Court, or appointing the next time of Meeting; nothing but anger and resentment seemed to sit upon mens faces, and a certain dismal Expectation of the Effects of a distempered State.

The Violent men of the House of Commons who Prosecuted the Earl, began now to apprehend they might meet with a Disappointment in their Expectations, and that the Earl did not stand so Criminal in the apprehensions of the greatest part of the Lords, as they had endeavoured to render him, but that some Beams of Innocence began to shine from him, even under the black Clouds which they had raised against

against his Reputation ; and judging after all this Noise of High Treason which they had raised, and which filled the most obscure Corners of the Nation, & was become the great expectation of the World; that if he should come to be cleared by the suffrage of his Peers, not only his Glory and Reputation would appear more bright, by so black a foil, but their Reputation and Interest must for ever set and sink in the Opinion of the vulgar, who are apt to Measure Actions by their success; and Consequently that this would give such a blow to their yet Infant Designs, as must render them abortive in their very *Embryo*; therefore no sooner were they retired in the forementioned disorder and heat, but they fell upon a new Method to effect the Ruin of this Great Man. That which they pretended was designed to be offered as further proof of the 23^d Article, and wherein they thought the Lords had not done them Justice, was a certain Paper which Sir Henry Vane Jun. pretended to have found in his Father's Cabinet, being a Note or short Memoires, of what passed at a *Junto* of the private Committee for the Scotch affairs, charging the Earl of Strafford, Lord Arch-bishop of Canterbury and Lord Cottington with an intention then mentioned of bringing in the *Irish* Army, and full of pernicious counsell to the King, and slanderous words against the Commons in the last Parliament. This pretious Relique Sir Henry discovered to Mr. Pym, whereupon a Bill of Attainder, which Mr. Pym had ready for the Purpose was immediately voted to be read, and so eager were they upon the Chace, that contrary to Parliamentary Custom and Reason, which in things of moment ought to govern by that standing Rule, *Deliberandum est diu quod statuendum est semel*, it received a second reading.

Sunday now proved no day of rest, the concerned were busie to spread terrors and affrightments in the minds of the People, all the discourse was of the Breach like to ensue between the Two Houses, and licentious Tongues were not sparing to declare; *That since the House of Commons had voted the Bill of Attainder, they would also declare all his adherents Traitors.*

Many big words were spoken, and it was reported that some of the Nobility should say, *That it was unnatural to have the Head governed by the Members; that they hated Rebellion no less than Treason; but the same blood which Ennobled their Ancestors, run also in their Veins, and they would never permit themselves to be suppressed by a popular Faction.*

And certainly many of the Lords began to see through the Disguise, and that they could not Condemn the Earl of Strafford in the Legal way of Procedure upon Constructive, or as it was then called, accumulative Treason, but they must let loose such a furious Lion as would devour them, and their Posterity; and this was the fear of the Earl's Enemies, for had it come to a Period upon the Trial, it was the General belief he would upon the Honour of the Peerage have been found Not Guilty.

However it happened, the Difference was at last composed at a Conference; the Lord Steward acquainting them, *That their Lordships are resolved the Commons may proceed as formerly was intended before the offer of further Evidence to be propounded; the Earl of Strafford to recollect his Evidence first, and that being done, the Members of the House of Commons to state their Evidence; and this to be done to morrow morning, whereof they will give the Earl of Strafford Notice.*

Accordingly upon Tuesday April 13. the Lord Strafford being brought to the Hall, and standing at the Bar, The Lord High Steward informed him, *That the Lords do Expect his Lordship should sum up the Evidence,*

1641.

Tuesday,
April 13.

1641.

The Earl of
Strafford's
Summary of
the Evidence.

dence, as the Gentlemen of the House of Commons should do theirs, for the close of the proofs of the matter of Fact, desiring him to do it with all the brevity and clearness he could. The Earl humbly moved clearly to understand what was expected from him, and whether new matter might be alledged on either side? The Lord Steward replying, That if there be any new matter, God forbid but they might alledg it. The Earl answered, That he was in all things ready to manifest his Obedience to their Lordships, and will offer no new matter unless it arise from the other side.

And then he proceeded to sum up his Evidence as followeth.

May it please your Lordships.

IT falls to my turn, by your Lordships leave and favour, to presume to put you in mind, and to represent to you, the Proofs, as they have been offered, which I shall do to the best of my Memory, with a great deal of Clearness. I shall desire to represent them neither better nor worse, then they are in themselves, and, I wish, the like Rule may be observed on the other side; For, in the proceeding of this Cause, I heard them alleadge, that, as they conceived, divers Articles were fully proved; Whence I conceive, there was nothing fully Proved.

My Lords, my Memory is weak, my Health hath been impaired, and I have not had such quiet thoughts, as I desired to have had, in a business of so great and weighty importance to me: And therefore I shall most humbly beseech your Lordships, that by your Wisdom, your Justice and Goodness, I may be so much bound to you, as to have my Infirmities supplied by your better Abilities, better Judgments, and better Memories.

My Lords, The Charge I am to Answer, is a Charge of High-Treason; and, that which makes it the most grievous of all, it is an Impeachment of Treason from the Honourable House of Commons: Were not that in the Case, my Lords, it would not press so heavy and sore upon me, as now it doth, having the Authority and Power of their Names upon it; Otherwise, my Lords, the Innocency, and the Clearness of my own heart from so Foul a Crime, is such, that I must with Modesty say, if I had no other sin to answer for, it would be easily born.

My Lords, as I went along *Article by Article*, These Gentlemen were pleased to say, They were no Treasons in themselves, but Conducing to the Proof of Treason: and, most of the *Articles* being gone over, they come to the Point at last. And hence, my Lords, I have all along watched, to see if that I could find that Poysoned Arrow, that should Invenome all the rest; that Deadly Cup of Wine, that should intoxicate a few alledged Inconveniences, and Misdemeanors, to run them up to High Treason.

My Lords, I confess it seems very strange to me, that there being a special difference between Misdemeanors, and between Felonies and Treasons; How is it possible that ever Misdemeanors should make Felonies, or a hundred Felonies make a Treason? Or, that Misdemeanors should be made Accessaries to Treason, where there is not a Principal in the Case? No Treason, I hope, shall be found in me, nor in any thing I hear to be charged, under favour, and not waved.

They say well, That if a man be taken threatning of a man to kill him, Conspiring his death, and with a Bloody Knife in his hand, these be great Arguments to convince a man of Murder. But then, under favour, the man must be killed; for, if the man be not killed, the murder is nothing. So, all these things that they would make conduce to Treason, unless something be Treasonable, under favour, they cannot be applied to Treason.

My Lords, I have learnt that in this Case, which I did not know before, that there be Treasons of two kinds; there be Statute-Treasons, there be Treasons at Common-Law, or Treasons Constructive and Arbitrary.

My Lords, These Constructive Treasons have been strangers in this Commonwealth a great while, and, I trust, shall be still, by your Lordships Wisdom and Justice: But, as for Treasons in the Statute, I do, with all gladness and humility acknowledge your Lordships to be my Judges, and none but you, under favour, can be my Judges: His Majesty is above it, the King Condemns no Man: the great operation of His Scepter is Mercy; His Justice is dispensed by His Ministry;

nistry; so He is no Judge in the Case (with Reverence be it spoken :) and likewise no Commoner can be Judge in the Case of Life and Death, under favour, in regard he is of another Body: So that, my Lords, I do acknowledge entirely, you are my Judges, and do, with all chearfulness in the World, submit my self unto you; thinking, that I have great cause to give God thanks, that I have you for my Judges, and, God be praised it is so; and, Celebrated be the Wisdom of our Ancestors that have so ordained it.

My Lords, I shall observe these Rules; First, I shall (as I hope) clear my self of Statute Treason, and then shall come to Constructive Treason, or Treason at the Common-Law.

The first point they Charge me withal of Treason, is upon the Fifteenth *Article*; Wherein nevertheless, before I come to Answer the particulars, I must humbly inform your Lordships, that, in that *Article*, two of the most material Charges are waved in the first part; that piece of the Charge that sounds so high, concerning a Miscarriage in me, in Levying Money upon the Town of *Baltemore, Banderbridge, Talow*, of that I hear nothing, and I shall mention it only thus farr, humbly to remember your Lordships, that, in that particular, I trust I have spoken nothing, that should merit less belief of your Lordships: For my part, it is far from me, to put you upon any prejudice, by any means whatsoever; I look onely to the preserving of my self, if it may be without prejudice and hurt to any living Soul.

Then they likewise wave another piece of the Charge, and that is, that I should, by force of Arms, dispossess divers persons in the Territory of *Idengh*; and well they may, for, in truth, there is nothing at all of it that I am to Answer, it being wholly done by the Order of *Chancery*, and I having no more to do with it, than any man that hears it: the Matter that stays with me in this *Article*, is, the alledged Warrant to Mr. *Savill* Serjeant at Arms, and the Execution of it, for that I shall humbly beseech your Lordships, I may mind you, with all humility, that that Warrant is not shewed; and, I do think, that my Lords the Judges do, in the Tryals before them, observe, that Deeds are to prove themselves in ordinary Tryals, betwixt Men and Men; Now, how much more in a Tryal for life, and, which is more than that (though my Misfortune will have me to own it) in the Tryal of a Peer?

The Witnessess, my Lords, say, They have seen such a Warrant; But, no Witness sayes, he knows it, and will Swear it to be my Hand and Seal; or, that I set my Hand or Seal to it; for, it may be Counterfeited, for any thing they know.

For Mr. *Savill*, upon Oath, I thought (under Favour) he ought not to be admitted against me; for, he Swears directly to justifie himself: for if there be no such Warrant, he is answerable for the Fact, not I. But, my Lords, admit there were such a Warrant, I humbly conceive, I gave your Lordships a very clear and full Answer to it; I shewed you (and proved it, as I conceive) that the Selling of Soldiers hath been a Coercive means used in *Ireland* always, to enforce obedience to the King's Authority; I proved it to have been used, to fetch in the King's Rents of all kinds, Contributions, Compositions, and Exchequer Rents; I proved it to have been used, to bring in Offenders and Rebels, and (as my Lord *Ranalah* depofes) for any Unjustifiable Act. Sir *Arthur Terringham*, for a small Debt, which appears not to be the King's Debt; My Lords, nothing at all is proved against it, but Negatively, the Witnessess say, they did not know such a thing, they had not heard the like; and, I think, none of your Lordships had, before this Cause; and yet that thing might be too.

And, my Lords; I beseech your Lordships, How should it be not Treason, to Assess Soldiers for the King's Debts, and yet the Assessing of Soldiers, on the Contempt of the King's Authority, should be Treason? for certainly the King's Authority is of far more Dignity, and more respect is to be had to it, then the getting of a few poor Debts; and, why it should be Treason in one Case, and not in another, methinks it is very strange.

My Lords in the next place I conceive, not in that any Construction this can be said to be a Levying of War against the King and his People, being but the Employment of two or three Soldiers, to procure obedience to His Majestie's Government: because (as I conceive likewise) I had Commission to make War as I saw

1641.

Cause, for punishing the Rebels, and securing the Publick Peace; and therefore, How can I be charged with that I have power to do?

The worst that can be made of it, is, an absurd execution of a Power; but, to make it Treason when I had Commission and Liberty so to do, methinks that is very hard: And, it was no absurd execution of a Power, under favour neither, when I had the Precedent of all the former Deputies and Lieutenants in the Case.

My Lords, it was never Complained of all the while I was there, for ought appears to your Lordships; so, that it seems there was no great Innovation, nor Inconvenience, for, if there were, I should have heard of it.

But, the Statute 11. E. 1. ca. 7. sets a penalty upon any Subject, that shall Assesses without the Deputies Authority. Now I do most humbly beseech your Lordships, that you would be pleased to remember that, and let me know how it should be but Penal in a Common person to do it, and yet Treason in a Deputy?

My Lords, I shall likewise humbly mind your Lordships of the Statute, or rather two Statutes, as I take it, whereby I conceive this Statute, that made a Treason in *Ireland* was repealed; But, howsoever, the practice in all time hath gone quite contrary to that Statute, and the best Interpretation of Law is the Practice of Law; and therefore the Practice having been otherwise, it is an Argument very strong and prevalent, that the Deputy as Chief Governour, was never intended to be Concluded within that Act, nor never to be brought in by General Words only.

And, that this should be a Levying of War against the King, within the Statute of 25 E. 3. in *England*, surely I conceive it cannot be; for, the Burning of Towns, the Taking of Forts, Killing and Slaying, that I conceive to be Levying of War; but, this is a strange Levying of War, with two or three Soldiers to rest in Peace and Quietness, eating on Contemners only (and not Killing and Slaying) and all to procure Obedience to the King, not in Disobedience to his Command. If to lie upon them and eat, be High-Treason, in this Case, What shall become of a great Company of good Fellows, that at this time eat at the Charge of the Country?

No, My Lords; This, in the Case of a private Man, had been but a Forcible Entry, or a Ryot at the most, if a man had done the same thing Mr. Savil did of his own Authority, without the Deputy, it had been but a Force and Ryot; and, How shall this be in my Case High-Treason?

The next Charge, in that Case, is, concerning a Warrant to one *Piggot*, another Serjeant at Arms, and the great and crying Miscarriages and Misemployments of such a Warrant, if there had been any, it was when I (as your Lordships may please to remember) was out of *Ireland*, and that was the Case of *Bern*, a very Foul Misdemeanor, as it proved. But, My Lords, I being out of the Kingdom, and no such Warrant shown, I conceive I am absolutely dismissed as unto that, and have nothing to answer for it: there was nothing done while I was in the Kingdom: there is no Warrant of mine shown: therefore, I conceive, I stand clear of that likewise.

But admit there was such a Warrant, the Answer goes to that as to the test; and certainly, I hope, will fully acquit me of this Fifteenth Article, as Treason; And so I must, in humility, submit to your Lordships wiser and better Judgments.

The next Statute-Treason, is an Intendment, or Design, or what you will have it, for bringing over the *Irish* Army into this Kingdom, to reduce it, or to do I know not what, nor I think nobody else, for there is no such thing.

But, My Lords, for proof in this Case, you have two offered there, and no more, under favour, at all: the first proof is the Fears and Doubts of my Lord *Ranulagh*, that tells you, he Fears such a thing, and Doubts such a thing. My Lords, if Fears and doubts may be sufficient to Condemn me for Treason, By my Faith, I fear, and Doubt very much, these Fears and Doubts might Accuse me, and Condemn me of Treason more then once a Year; But, my Lords, his Fears and Doubts, he may keep to himself, I hope they shall not be brought any way to the prejudice of me; I am, I thank God, both confident and knowing there is no such thing.

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The next is the Testimony of Mr. Treasurer *Vane*; and, the Words Mr. Treasurer doth Witnefs against me in that particular, are, as I conceive, these; that I should say to His Majesty, in an Argument concerning an Offensive or Defensive War with *Scotland*; Your Majesty hath tryed all wayes, and are refused, and, in this extream necessity, for the safety of the Kingdom, and Your People, You may imploy the *Irish* Army to reduce this Kingdom.

My Lords, To this I say, that (under favour) Mr. Treasurer was in this (methoughts) a little Dubious; he was something doubtful; for, at the first, he told your Lordships, he would deal plainly and clearly with you; that he knew before whom he spoke: and then, my Lords, it was but to the best of his Remembrance, that these, and these words were spoken. At the last, my Lords, being put to it more, he was pleased to say, that these were positively the words, or something to that effect: So, my Lords, here is but a dubious and uncertain Witnefs, under favour, and these professions of his speaking clearly and plainly, and of his Consideration before whom he was (which are something unusual Clauses to Men, that come to Swear upon Oath) make me conceive him something Dubious in this point.

Secondly, My Lords, he is a single Witnefs, and not only so, but, under favour, disavowed by all the rest that were present at the Council; My Lord of *Northumberland* remembred no such thing; My Lord Marquess of *Hamilton* remembred no such thing; My Lord Treasurer remembred no such thing; my Lord *Cottington* is very well allured he said no such thing, for if he had, he should have taken offence at it himself, which he never did.

My Lords, in the *Third* place, He is pleased to mention, That it was in a Debate, Whether an Offensive or Defensive War? and, that then I should say, The King had an Army in *Ireland*, &c. My Lords, it falls out in time, to be as I conceive, about the 5th of *May* last, not many dayes sooner or later, the Army of *Ireland* was not raised till *June* following. So it seems, I should tell the King a great untruth; that he had an Army in *Ireland*, which he might imploy for His Service, before that Army was raised; for, it is a notorious thing, and any of that Country knows, that the Army was not raised till the Fifteenth of *June* as I remember.

Lastly, in farther taking away of this Testimony, I have proved it, by a great many Witneses, beyond all exception, that there was never any such intendment of the bringing this Army into *England*, nay, that the Design was quite otherwise, and this hath been apparently cleared before your Lordships, By the Testimony of my Lord of *Northumberland*, Marquess of *Hamilton*, Sir *Thomas Lucas*, and Mr. *Slingsby*, And might have been further justifi'd, by the Testimony of my Lord of *Ormond* President of *Munster*, and Sir *John Bulace*, Master of the Ordnance in *Ireland*, if they had been here to have been produced: So that all these laid together, the strong and clear proof on my part, the producing of a single Witnefs, which, by the Proviso of 1 *Edw. 6.* cannot rise in Judgment against any man for High-Treason. I trust, all these laid together, I shall appear to your Lordships clear and free from these two points, whereupon they enforce me to be within the compass of Treason by the Statute alleadged.

The Third Treason that is laid to my Charge, is upon the 27th Article, where Four Musquettiers being sent to *Egton*, by Sergeant Major *Taworth*, to call for their Eight pence a day, is prest upon me, as a Levying of War upon the King and His People, and to be High-Treason upon the Statute of 25 *E. 3.*

These be wonderful Wars, if we have no greater Wars then such, as four men are able to raise, by the Grace of God we shall not sleep very unquietly. But, How do they prove this to be done by me? they produce to your Lordships the Warrant of Sir *William Pennyman*; but, had no Warrant at all of mine to shew.

Sir *William Pennyman* doth not alledge any Warrant of mine to that purpose; he speaks of a General Warrant, wherein I and the Deputy-Lieutenants joyn, for the paying of the Fortnights pay, as they call it, and that is very true; but, that I should give Warrant to Levy by Soldiers, no such thing is proved; no such thing is shewed; no such thing is alleadged by Sir *William Pennyman*, that best knew it; and, should do it in his own Justification, if there were such a thing: but, on the other side, I must humbly beseech your Lordships, to mind you what a clear and full proof I made thereof to you, till you were weary, though, I think, I

1641.

I could have continued it a year longer if need had been, that there was nothing done by me in the Levying of the first Months pay, or the second Fortnights pay, but with full consent of the Country, nothing being of Constraint, nothing being of force put upon them.

The Second Point was a Warrant shewed to your Lordships, or at least pretended from Sir *Edward Osborne* the Vice-President, wherein he charges them to obey and persue the substance and direction of his Warrant, on pain of Death; and this must likewise be laid to me: My Lords, I confess I have faults enough, more than a good many, though I trust neither so crying nor grievous, as some would pretend them to be; but, Faults I have, more then too many, I need not take nor add to my self other Mens; but, whether this be a Fault or no, I cannot undertake to Judge. But certainly, I am in no Fault: for, I was at——when this Warrant issued from Mr. Vice-President; and, I dare say, he is a Gentleman so worthy and noble, and so great a Lover of Truth, that let him be examined upon Oath, if he shall not absolutely clear me from Privy or Direction of it, I so much rely on him, that I will be thought Guilty before your Lordships for this Charge: Now, my Lords, having gone over all that first part, which I thought fit to apply my self to, and that is Statute-Treason, There is no Statute-Treasons in the whole Charge, nor colour or pretence thereof, save onely that of *Newcastle* which was waved.

In these, my Lords, I hope I am clear before your Lordships; and, sure I am, they give me little disquiet, for, in good faith, I am clear in my own poor Judgment.

Then comes in the second Condition of Treason in the Charge, and that is Constructive Treason; and, it is laid down in the first *Article* of the General Charge.

For, my Lords, I must tell you, the First Articles, exhibited, are Grounds and Foundations whereupon the rest are gathered, and to which they resort and apply themselves severally.

I do conceive my self, in a manner, by themselves, clear of seven of these, for, they have, in a manner, relinquished Five of them; So that the First Article is the main Article whereupon I must be touched, and that is laid in the Charge thus: That I have Trayterously endeavoured to subvert the Fundamental Laws and Government of the Realms of *England* and *Ireland*; and have, by Trayterous Words, Councils, and Actions, declared the same; and have advised His Majesty to Compel his Subjects, to submit thereunto by force.

My Lords, I must confess I have many times with my self considered with wonder, at the Wisdom of our Ancestors, that set the Pillars of this Monarchy with that singular Judgment and Providence, that I have ever observed, that so oft as either the Prerogative of the Crown, or Liberty of the Subject, *Ecclesiastical* or *Temporal* Powers exceed those modest bounds set and appointed for them, by the sobriety and moderation of former times, the exercise of it over-turn'd to the Prejudice and to the Detriment of the Publick Weale; all the Strings of this Government and Monarchy have been so perfectly tuned through the skill and attention of our Fore-Fathers, that if you wind any of them any thing higher, or let them lower, you shall infallibly interrupt the sweet accord, that ought to be entertained of King and People.

With this Opinion I had the honour to sit many years in the Commons House; and, this Opinion I have carry'd along with me exactly and intirely for Fourteen Years in the King's Service; ever Resolving in my heart *Stare super vias antiquas*, to promote, with equal care, the Prerogative of the Crown, and the Liberty of the Subject, to Introduce the Laws of *England* into *Ireland*, ever setting before my self a Joynt and Individual well-being of King and People (for either they must be both or neither) which made my Misfortune the greater to be now in my Gray Hairs charged, as an under-worker against that Government, a Subverter of that Law I wost affected, and a Contriver against that Religion, to the truth whereof I would Witness by the Sealing of it with my Blood.

My Lords, As to the latter part, concerning my Religion, they have quitted me; and I have nothing to answer to that, because it is waved; and, I trust, my Lords, I shall clear my self in the first part, concerning my being a Subverter of the

the Fundamental Laws, that I shall stand clear to your Lordships Judgments in that Case.

My Lords, This Subversion must be by Words, by Councils, and by Actions in *Ireland* and in *England*.

My Lords, I shall first give you an Accompt of the words, wherewithal I am Charged forth of *Ireland*; and, the first words are in the Third Article, where I am Charged to have said, *That Ireland is a Conquered Nation, and that the King may do with them as he pleaseth.* And, to the City of *Dublin*, *That their Charters are nothing worth, and bind the King no farther than he pleaseth.* These are the words Charged.

My Lords, methinks it is very strange, under favour, that this can be made an Inducement to prove this Charge, because I said, *That Ireland is a Conquer'd Nation*, therefore I endeavour to subvert the Fundamental Laws when I speak the Truth, for certainly it is very true, it was so.

My Lords, under favour, I remember very well, there was as much said here at this Bar, since we began; and yet I dare well Swear, and acquit him that spake it, from intending to Subvert the Laws.

For, my Lords, you were told, and told truly, *That Ireland was a Conquered Nation, and that it was Subordinate to England*, (and, God forbid that it should be otherwise) *and that they have received Laws from the Conqueror.*

My Lords, the words testified by my Lord *Gormonstone* and *Kilmalock* to be spoken, are not the words wherewith I am charged, and so, under favour, I conceive, cannot be brought to my prejudice, as to this Tryal, and they are words that are denied by me.

For my words concerning their Charters, your Lordships remember very well, I doubt not, wherefore I said they were void, For their misuse of them, and that I told them so, not with the intent to overthrow their Patents, or Charters, but to make them more conformable to those things, that the State thought fit, for encrease of Religion and Trade, and encouraging and bringing *English* into that Town; And, that it was meant so, and no otherwise: Whatsoever was said, it appears by this, their Charters were never touched nor infringed, nor medled withal by me, during the time I was in that Kingdom; so that words so spoken, and to such a purpose, that they should go to prove such a Conclusion, I conceive there is great difference betwixt those Premises, and that Conclusion.

The next Charge for words in *Ireland*, is in the Feurth Article, where I am Charged to have said, *That I would neither have Law, nor Lawyers Dispute or Question my Orders*: and, *that I would make the Earl of Cork, and all Ireland know, That as long as I had the Government there, any Act of State should be as binding to the Subjects of that Kingdom, as an Act of Parliament.*

My Lords, I humbly beseech your Lordships to give me leave to say for my self, that these words of the Charge are only sworn by my Lord of *Corke*, and no man else: and, his Lordship appeared a little mistaken the other day in one point, on the Reading of an Order of the Council-Board, for so it appears, as I conceive; so that for one single Witness, and he the Party Aggrieved by these words, to be the Man that must convince me, I conceive your Lordships will not think that to stand with the ordinary Rules of Proceeding.

For the rest, to say *Acts of State in Ireland should be binding, so long as they are not contrary to Law*, I confess I then conceived it had been no Offence, for I thought them to be as binding, being not contrary to Law; but, the Elder we grow, the wiser we may grow, If God give us the Grace, and Attentions; and, so I trust I shall, by these Gentlemen, that have taught me to forbear those kind of Speeches hereafter.

My Lords, These are all the Words charged against me for *Ireland*, saving only some things that I shall come to anon, that is Charged upon me in one of the latter Articles, concerning *Scotland*; I say, my Lords, these are all the Words that have slipped from me in Seven years time, having been well watched, and observed, as your Lordships may perswade your selves I have been; But, in seven years time, I say, these are all the words brought to my Charge: and, in truth, I conceive, a wiser Man then my self might be forgiven for one Error, or slip of his Tongue of that Nature in a years time, seeing it is no greater mea sure, God be praised, than these are.

My

1641.

My Lords, these being the words that passed from me in *Ireland*, there are other words that are charged upon me, to have been spoken in *England*; but if your Lordships will give me leave (though perhaps in no very good method) I shall not fail to touch first or last, the words in every *Article*.

The next *Article* then that I am charged withal for words, is the second *Article*, and these are the words that I should say, concerning the *Finger and the Loins*.

My Lords, I may alledge much new matter, but I will observe your Lordships Order punctually, by the Grace of God, for what I may say in that case, if it might be admitted, I keep it to my self; but the truth is, they that do prove the words to be thus, *That I would make the little finger of the Law, heavier then the King's Loins*; they do not tell you the occasion of the Speech, or what went before, or what after; for my Lords, if they had told the occasion (which methinks they should as well have remembred as the words) it would plainly and clearly have appeared to your Lordships, that Sir *William Pennyman's* Testimony was most true, for the occasion was such, that to have said those words, had been to have spoken against that to which I intended the discourse; but speaking them as I said, it makes very strong for that purpose, to which I directed them; which was to appease the Countrey, and quiet the Discontents; for having been double charged with the Knight-money, and therefore it was not proper by threatning them, further to have provoked them.

My Lords, you have Sir *William Pennyman's* Testimony, that it was so, and my profession; who (under favour) will not speak an untruth to save my life; I protest before God, that I say, I verily believe, or else I will never speak it indeed, and there it is they have proved it to have been said one way, we another way, we give the occasion of our Speech, and disavow theirs, and so we must leave it; and howsoever, these words so spoken, can never be drawn (as I humbly conceive) as Premises to prove their Conclusions, that therefore I am guilty of High Treason, they have made me guilty of a foolish word, and that I confess, and if they please, I will confess it all the day long; for I have been foolish all the days of my life, and I hope hereafter I shall look unto my ways, that I offend not with my Tongue, for if I cannot rule it abroad, I will rule it within doors, else I will never stirr abroad, but bound it so to my own business and affairs, that I trust I shall give no offence.

The next *Article* that chargeth me with words, is the 22d *Article*, and these be words spoke in *England*; The first part of them, which concerns the bringing in of the *Irish Army*, I have spoken to already; but in the conclusion there are other words, and shortly, the said *Earl of Strafford* returned to *England*, and to sundry persons declared his opinion to be, *That His Majesty should first try the Parliament here, and if that did not supply him according to his occasions, he might then use his Prerogative as he pleased, to levy what he needed, and that he should be acquitted both of God and Man, if he took some other courses to supply himself, though it were against the will of his Subjects.*

My Lords, as unto this, I conceive the Charge is not proved by any Witness, that hath been here produced against me; and in truth my Lords, I must needs say this, under favour (if it be an error in my Judgement, I must humbly crave your Lordships pardon) through the whole Cause I have not seen a weaker proof, and if I had had time to have gotten my Witnesses out of *Ireland*, I hope that should be proved, and so clearly, as nothing could be proved more; but I must stand or fall to what I have proved, and so I do my Lords; the proof they offer for this (as I conceive) is the Testimony of my Lord Primate, and his Testimony is, That in some discourse betwixt us two, touching Levying upon the Subject in case of imminent necessity, he found me of opinion, *That the King might use his Prerogative as he pleased.* My Lords, this is (under favour) a single Testimony, it is of a discourse between him and me, and there is not any other that witnesses any thing concerning it, so that (under favour my Lords) I conceive this will not be sufficient to bring me any ways in danger of Treason, being but a single Testimony; and my Lords, it is to be thought, and to be believed (and it were a great offence for any man to think otherwise) that in this case any thing can

can please the King (he is so Gracious and Good) but what shall be Just and Lawful, and then there is no doubt, but so far as with Justice and Lawfulness, he may use his Prerogative in case of imminent danger, when ordinary means will not be admitted.

At most, he saith it was but an opinion, and opinions may make an Heretick, but they shall not, I trust, make a Traitor.

The next is the Testimony of my Lord Conway, and the words that his Lordship testifies are these; *That in case the King would not be otherwise supplied by Subsidies, he might seek means to help himself, though it were against the will of his Subjects.* Truly, my Lords, if I should acknowledge these words, I do not see how they can be any way Capital in my case; but this again is but a single Testimony, and there is no other that says it but himself, and if there be a good sense given to them, certainly the words may very well bear it, for I think it is a very natural motion for any man to preserve himself, though it be to the disliking of another; and why a King should not do it as well as a Subject, it is such a prerogative of Kings, as I never yet heard of; for I thought, though they had been Gods on earth, yet they are men, and have affections as men, and should preserve themselves, being not only accountable for themselves, to God Almighty, but also for their Subjects whose Good and Benefit is wrapt up and involved in theirs, and therefore the King ought more to regard his own preservation, than the Common-wealth.

The Third is, That Mr. Treasurer says, that to his best remembrance I did say, *That if the Parliament should not succeed, I would be ready to assist His Majesty any other way;* God forbid this should be any offence for to say so, either in him or me, for I will swear if it please you, that he said so as well as I, therefore God forbid, it should endanger either of us both; for my Lords, to say I will serve the King any other way, it is no other than what became a good and faithful servant to do, always provided, the way be good and lawful, which in this case, is always to be admitted among persons of Honour and persons of Trust; and therefore admitting it not any other way, it was just, and lawful, and commendable in Mr. Treasurer and me; for I vow to your Lordships, we both said it, and he as fully as I.

But my Lords, all these come very far short, to prove the words of the Charge, and this (under favour) is all the proof as I have taken, that I should say these words before the Parliament.

The next words I am charged withal, are in the 23 *Article*, and those, my Lords are, that having tryed the affections of his people, His Majesty was loose and absolved from all Rules of Government, and was to do every thing that Power would admit, and that His Majesty had tryed all wayes, and was refused, and should be acquitted both of God and man: For the latter part that concerns the reducing of this Kingdom by the *Irish* Army, I have answered already, and therefore shall not need to repeat it.

My Lords, mine Answer (under favour) to those words, with your Lordships Noble permission, must be thus, That they are no way proved in the most material part of them, by any Testimony that hath been offered, I shall, as near as I can, repeat the proofs that were offered on this point (for these *Articles* were brought in four or five together,) but I shall apply the proofs severally and distinctly.

The Testimony first given, was the Testimony of the Lord of *Bristol*, wherein his Lordship says, That in a discourse, there was difference betwixt his Lordship and me, in some Tenents of ours. To which I answered the other day; that in discourse we speak not always the things we think, but many times to gain from other mens arguments, to strengthen me in my opinion, I will seem to be of the contrary; This is ordinary and familiar in all conversation, and very honest and just, so that albeit we seem to differ as we held it severally, yet if the pulse of our hearts had been touched close, both his and mine, perhaps we should have found it one and the same; Besides, his Lordship said, I disliked not the discourse, we speaking of another Parliament; only I said, it was not convenient at that time, and that the present dangers would not admit a remedy of so long consideration; and that the King must provide for the Common-wealth, *Et salus populi suprema lex.*

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1641.

And truly My Lords, I think that it is very hard, any man should upon such a discourse, have his words turned upon him, and made use of to condemn him for High-Treason.

My Lords, I know you are so just that you would judge me, as you would be judged your selves, and whether any Man that hears me, would be content, to have every word that falls in discourse betwixt man and man, to be so severely interpreted, I leave to every man's Breast, what he finds in the closet of his own Heart: and desire to be judged according to that.

My Lord went further, and says, I should say that the King was not to be mastered by the frowardness, or disaffection of some particular men, and conceives it be meant of the Parliament.

My Lords, I say (under favour) these words are not within the Charge, and therefore I am not to be accountable for them; besides, it is a single Testimony, and by the *proviso* of that Statute, cannot be made use of, to the end and purpose for which they bring them.

My Lords, the next Testimony offered for proving this Charge, is the Testimony of my Lord of *Newburg*, and he says, That at the Council-Board, or in the Gallery I did say, *that seeing the Parliament had not supplied the King, His Majesty might take other courses for the defence of the Kingdom.* Truly My Lords (under favour) who doubts but he might, for my part, I see not where the offence is for another man to have said thus, for if another man will not help me, may not I therefore help my self? (under favour) I conceive there is no great weight nor crime in these words, but in these likewise he stands a single Testimony, there is no man that joyns with him in it; and there is this in the whole Cause, concerning the words, that I think there is not any one thing wherein two concur.

The next Testimony is that of the Earl of *Holland*, and he says, That at the Council-Board I said, *The Parliament having denied the King, he had advantage to supply himself other ways;* Truly, My Lords, I say still other ways, being lawful ways, and just ways, and such ways as the goodness of the King can only walk in, and in no other can he walk. And therefore I conceive, they be far from bringing it to so high a guilt as Treason; and this likewise his Lordship expresses as the rest do, singly on his own word, as he conceives them, and not on the particular word of any other person, which is I say, the case of every one that speaks in the business; and therefore there being so great a difference in the Report and Conceiving of things, it is very hard my words should be taken to my destruction, when no Man agrees what they were.

My Lord of *Northumberland* is the next, and he says, I should say at a Committee for the *Scotish* affairs, *That in case of necessity, and for Defence and Safety of the Kingdom, every thing must be done for the Preservation of the King and his People.* And this is the Testimony of my Lord in that point; if I take any thing short, it is against my Will, I give you my Notes as far as I have them, and further I cannot remember them.

But my Lords, I say this brings it to that, which is indeed, the great part of my Defence in this case: There is another agreed in this too, and it is Mr. Treasurer, who says, that in Argument for Offensive or Defensive War, I should say, *That having tryed all ways, and being refused, the King might in extream necessity, provide for the safety of himself and his People;* I say this brings it to that, which is principally for my Defence that must qualify; if not absolutely free me from any blame; and that is that which did proceed and follow after.

My Lords, (under favour) I have heard some discourse of great weight, and of great Authority; and that is certain, the Arguments that were used in the case of Ship-Money, by those that Argued against the King in that Case, say as much, and will undertake, if any man read those Arguments, he shall find as much said there, as I said at Council-Board; for there you shall hear, that there be certain Times and Seasons, when Propriety ceases, as in the case of Burning, where a Man pulls down the next House, to preserve the whole street from being set on fire. In the case of building Forts on any man's Land, where it is for the publique defence of the Kingdom, in both these Cases, Propriety doth cease: nay, he says that in War, *Inter Arma silent Leges.* Now my Lords, these are as highly said, as any thing you have heard by me, and yet certainly is no subvert-

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ing of the Fundamental Laws for all that ; and therefore, if a man must be judged, he must not be judged by pieces, but by all together.

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My Lords, Whatsoever I said at Council-Board, was led in by this Case, what a King should do, in case of a Forreign Invasion of an Enemy, when the ordinary wayes and means of levying Money would not come in seasonably to prevent mischief, for what a King may do, in case of absolute necessity ; certainly in these cases, the ordinary Rules do not take place ; as this was the Case that let in the Discourse, so I most humbly beseech your Lordships (for it is fully proved) to remember what was the conclusion of that Discourse ; which was, That after the present occasion provided for, the King was obliged in Honour and Justice to vindicate and free the Liberty of the Subject from all prejudice, and harm it might sustain in that extraordinary occasion, and that this was to be done by a Parliament, and no other way but a Parliament : and the King and his People could never be happy, till the Prerogative of the Crown, and the Liberty of the Subject were so bounded and known, that they might go hand in hand together, mutually to the assistance of one another.

My Lords, give me that which precedes, and that which follows, (both being proved to be the Case in these words in the Charge) I think, considering these two, I should be far from having committed any great crime or offence, in saying these words.

But I say as I said before, I shall be more wary for the time hereafter, if it please God to give me that Grace and Life, which I submit to him, and shall readily and willingly resign to his good Will and pleasure ; I conceive therefore, that as these words are accompanied, they be not words that do amount to Treason, and are so qualified, and so weakly proved, that I trust they shall not stick with your Lordships.

The next words that I am charged withal in *England*, be on the 25th Article, and that is, that I should say, that *the Aldermen that would not give in the names of the able men of the City, deserved to be put to Fine and Ransome, and that no good would be done with them, till an example were made of them, and they were laid by the heels, and some of the Aldermen hanged up.*

In the first part of the Article, there is something, concerning my advice for raising the Money, but it is not proved that I did any thing therein, but as others did, and as in former years had been done, before my coming into the Kingdom : For the words, *that they deserved Fine and Ransome*, I confess, them in my Answer, just in the same manner as my Lord of *Berkshire* was pleased to testify them the other day, that is, That if they should not do the thing desired, they might in my opinion, be liable to Fine and Ransome.

And, my Lords, admit I were mistaken in my opinion, shall it be a Treason to be mistaken ? I say, in my opinion, they might be lyable to Fine and Ransome ; but what is this to Treason ? Under favour, nothing at all as I conceive. For the other part, *That it would never be well, till some of the Aldermen be hanged ;* it proves to be testified by Mr. Alderman *Garraway*, and he owns it only for himself ; for it was not that some of the Aldermen should be hanged, but he said at the Bar, *till he himself were hanged.*

My Lords, This is a single Testimony, and these words, as he sayes, were by me spoken to the King at the Council-Board, *That it would never be well till some of them were hanged*, meaning himself ; Truly, my Lords, I thank God I never spake such unmannerly Language all the dayes of my life, I have had more regard to my words than to say such things to my Master ; and your Lordships must needs be many of you by, and I am very confident, there is not one among you, that can remember any such words were spoke ; for in good faith, I did not speak them : And my Lords, before this misfortune did befall me, I should with modesty have thought my self a person on equal terms, to have been believed as well as Mr. *Garraway*, and I speak it with as great confidence as he, that I never spake the words.

My Lords, The next is the 26th Article, and that is, that I should say *the City of London dealt undutifully with the King, and they were more ready to help the Rebels, than to help His Majesty ; and if any hurt came to them, they might thank themselves.*

1641.

My Lords, I am in the first part of this *Article*, charged to have counselled and approved two dangerous and wicked Projects, the one concerning the stay of the *Bullion* in the *Tower*; the other concerning *Copper-Coyne*, and no proof hath been offered, that I either counselled, or approved either of those two Projects. And my Lords, it is proved to your Lordships, that when the Merchants came, I told them, I knew nothing of the business as to the *Bullion*, neither indeed, did I ever know there was any *Bullion*, nor any thing of that nature in the *Tower*. But for the words, I conceive it had been no Treason for me to think at that time, that the *Londoners* had dealt unthankfully with His Majesty, I thought I might have said it freely, without danger of such a thought, as might conduce to the convicting me of Treason.

But whatsoever I then thought, or on what grounds soever, it may be remembered, that then I alledged, and now I speak it, when News was brought to *York*, that the City had lent the King Two hundred thousand pounds, I took notice, that notwithstanding all I had thought formerly, they had now made such recompence, and so cleared their Faith and Duty to the King, that I should be their Servant, and lay my hand under their feet, as those that heard me are able to speak; for though at first I said they had dealt unthankfully with the King, yet afterwards I was ready and willing upon all occasions, to testify the contrary of them, and to profess that I was ready to serve them upon all occasions, just, and honest, and honourable.

As for my saying, that *they were readier to help the Rebels than the King*. In truth I am a man that cannot justify a thing I do not approve, I must needs say, it was an unadvised Speech; and, I wish I had not spoke it: it seems I did speak it; for I have reason to believe honest men when they Swear, though, in truth, I remember it not: but, I have no reason or cause to think, they would take an Oath otherwise than truth. I have no exception to the Men, and therefore, upon their words, I must Credit them, before my own memory; but, it was an unadvised Speech, and he is a wise man, and much wiser than my self, that some time offends not with his Tongue. And, in truth, my Lords, though there be no Treason in it, they are the most unwarranted words that appear in the whole Proof made against me.

In the 26th there are some words, that I should speak to my Lord *Cottington*, concerning a Foolish Pamphlet, or *Gazette*, which I then had in my hand; and, it is such a Toy in it self, and all the Circumstances of it, that I hold it not worth the mentioning, but only that I would not forget any thing in the Proofs, as near as I could, and the Proof is uncertain, for onely one Man sayes it, and, the very words he cannot express: Now, he that shall Swear, when he cannot express the Words, his Testimony is but of small value; and, he is but a Single Proof at best to disprove what is deposed by Sir *William Parkhurst*, who sayes, he was by, yet heard not the Words: And, *Cogam* sayes, he remembers not the words: and so, upon the matter, there are two against one; and, the whole being so uncertain, I conceive it is of very little moment in your Lordships Judgments.

My Lords, These are as near as I can gather, all that are charged as unto Words, spoken either in *England* or *Ireland* Councils, other then these I am not charged withall, and so there remains nothing but my Actions; and, if I can free them as well, as I have freed the Words, I conceive then, under favour, I have fully Answered all, that hath been objected against me.

My Lords, The first of these is the *Fifth Article* in the Case of Sentence of the Council of War, against my Lord *Mountnorris*, and the Sentence of the Council of War against *Denwit*.

For that of my Lord *Mountnorris*, I have shewed plainly and clearly to your Lordships, that I was no Judge in the Cause, but a Party, and therefore not Responsible for any Judgment given against his Lordship. I gave no Vote, and so consequently am not to Answer for any Guilt, if there were any; which, under favour, I conceive, since all Martial Law is Adjudged to be against the Law, I may be of another Opinion; but, formerly conceiving that that might have stood with the Law, I might say something more for the Justification of it, then now I do, but, however, I was no Party.

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They say, he was a Peer, and it is very true; but, as he was a Peer, so he was a Captain of the Army; and, in this Case, we consider Men as Members of the Army, not as Peers: And, if a Peer will not submit himself to an Officer of the Army, he must submit himself to the Order of the Army.

Besides, I say it was intended only as a Discipline to him, the better to remember him to govern his Tongue afterwards towards other Men; and, that there was no more Prejudice fell upon him by it, but two or three dayes Imprisonment, so there was no great Animosity in the business: besides, it appeared to your Lordships; that two or three days after we writ to the King, and obtained his Pardon; so that I conceive, the Inconvenience was not very great to him, nor the Proceedings such, as should make it unpardonable, or Criminal in them that gave Sentence upon him, whereof I was none.

For that other, concerning *Denmitt*, your Lordships may remember, he was found Guilty of Stealing a Quarter of Beef, and from Running from his Colours, and was formerly burnt in the Hand; for that he should be Proceeded against another way: But, falling out at that time, when Five Hundred Men were going over to *Carlisle*, and they being unwilling to be put to Sea, we were inforced to those proceedings for the preventing of further Milchief. And, there is another thing; that the Martial-Law hath been alway in Force, and Executed in all times in *Ireland*, and never so sparingly as in my time; for, this is the only Man that suffered all the time I had the Honour of the Government: And, I dare Appeal to them that know the Countrey, Whether, in former times, many Men have not been committed, and Executed, by Martial-Law, by the Deputie's Warrant, that were not Thieves and Rebels, but such as went up and down the Countrey? if they could not give Account of themselves, the Provost-Martial, by direction of the Deputies, using, in such Case, to Hang them up. I dare say there are Hundreds of Examples in this kind; so that as to that, I do not Justifie it; But, I say, it is a Pardonable Fault; and, that others are of Course Pardoned for it; And, I trust, that what falls of Course, shall not be laid upon me as High-Treason, or conducing to it.

The next is the Sixth *Article*; and that is in the Case of *Richard Rollston*; and, therein, I am said to have Subverted the Fundamental Laws, by executing a Power, and a Jurisdiction, which was not Warranted by Law, upona Paper Petition, putting out of Possession of his Freehold & Inheritance my Lord *Mountnorris*.

My Lords, That Sentence will appear to your Lordships to be no more, then the relieving a Poor Man in case of Equity; and, it is proved to you to be a Power, that hath been formerly practised by the Deputies; and, I humbly conceive the Decree is just: So that, my Lords, I must confess, it is something strange to me, That, having the King's Letter to Warrant me in the Course of Proceedings, and having the Power of former Deputies in like Case, and doing no more therein then the Lord Chancellor, by the very self-same Law, should do in other places: And, that which should be — done, by the Chancellor, should be Innocent and Just, yet become High-Treason when done by me, is a thing I understand not.

The next is the Case of *Tonnres*; and, that is waved by them; and well may it be; for, it was in a Case of Plantation; there was no Possession altered, and it is fully within the Book of the King's Instructions.

The next is in the Case of *Sir John Gifford* against the Lord Viscount *Lofus*, which they have Waved; and, well they may; for it was grounded on a Letter from the King, Commanding it to be heard by the Deputy and Council, which is clearly within the Instructions, and hath been since heard by the King and Council-Board, and by them Confirmed for a Just Decree.

The next is the Case of my Lord of *Kildare*; and, that they may well Wave too; the Proceedings being grounded upon a Letter from His Majesty, and nothing done but in persuance of an Award between the Lord *Digbye's* House, and that House of *Kildare* made by King *James*.

The next is the Lady *Hibbot's* Case; and that was Relief given to Poor Men, circumvented by Practise, to the Prejudice of himself. My Lords, I had Power to hear that Cause, and all Causes of that Nature, by the King's Letter, and according to the Practise of former Deputies: And, I conceive, it will appear,

1641.

when it comes to be heard, to be a just and fair Decree, I do not any way question that, though I remember little of the business.

But, at the worst, this is but an over-exercising of a Jurisdiction; and, that it should be High-Treason in a Judge to exceed his Jurisdiction, I must confess I never heard it. I told your Lordships the other day, *Boni Judicis est ampliare Jurisdictionem*.

But, that it should be High-Treason to enlarge Jurisdiction, is a perilous Point; and, if it be so, it befits your Lordships, and all Judges, to be well certain what you may do, lest by going too far, you fall into great Inconveniences.

But, my Lords, I say (under favour) that all these, if they had been done without any manner of Authority, had not been a Subversion, but rather a diversion of the Law: it could not be properly said, to be the Subverting of the Fundamental Laws, though it might be a diverting, and so long as I keep the Rule of the Law, and do the same things that another man does, in a more legal way, I mean in a more warrantable place; I say, my doing of the same thing in an improper place, is not a Subversion, but a diversion of the Law: If you will bring in the *Thames* about *Lambeth*, to come in again below the Bridge, the River is the same, though the Course be diverted to another place: So the Fundamental Law is the same, though the Course be diverted to another place; I say, the Fundamental Law is the same, only it is carry'd in another Pipe: And, Shall this be said to be a Subverting? Under favour, as the River is the same, so the Law is the same; it is not a Subversion, but a diversion. Nor doth it skill where Justice be done (I mean so far as it concerns the Subjects Interest) for, so long as he hath Justice speedily, and with least Charge, his end is complied with, and it concerns not himself, whether he hath it in the King's Bench, or Common-Pleas; so he hath it speedily, and with the least Charge: And therefore, as long as the Laws are the same, though Executed by several Persons, and in several places, I cannot conceive it to be a subversion: And, I shall humbly beseech your Lordships, to take care, that while these straynes are put upon me, to make this Personal Charge against me, ye do not through my Sides, Wound the Crown of *England*, by taking that Power from the Deputy, which must of necessity be lodged in him, if you will have that Kingdom depend upon the Crown of *England*, which I hold, in all Wisdom and Judgment, ought to be cared for: Therefore, I beseech you, prejudice not the Deputy, to the Disabling him from serving the Crown hereafter, by beating down me, who am this day to Answer before you; For, if you take away the Power of the Deputy, you shall not have that Kingdom long depend upon this Crown; for, it rests under God and His Majesty, and must principally rest upon the care of him that is intrusted with that Charge: And, therefore, give me leave, on the behalf of the Crown of *England*, to beseech you to be wary of lessening the Deputie's Power too much; for, if you do, I fear you will find it a great Disservice to the Crown.

My Lords, the next thing I am Charged with is the 9th Article; That is, a Warrant of Assistance to the Bishop of *Down* and *Connor*, and, for that, your Lordships see there was but one of them, and have heard it proved, that before my time such Warrants were frequent indeed, no man was denyed them: But, my Lords, it must likewise be remembred, that of my own accord, I did recall it, before I was ever questioned for it; and, it is very hard, if he that mends his Faults, should be afterward punished for it; for, it is a degree of Repentance, and it is hard, that a man should be finally Condemned after Repentance: and therefore, my Lords, I trust, seeing there was but one of them, seeing I did my self recall it, so willingly, as soon as I found the Inconvenience, I hope that will be easier remitted to me.

The next is the 10th Article, that concerns the Customs, and that is rather to be looked on as a Fraud, then as a Treason, as I conceive it, there is no Treason in the Business sure: But, I have proved, the Bargain was honestly made; That there was more offered for it by me then any other; That I had it upon no other Terms, then it was formerly, let to others; That I was constrain'd to it whether I would or no; And then, My Lords, if the Bargain, by the Increase of that Kingdom, prove a good and profitable Bargain; it is a very hard Case, that if it be increased

increased through the King's Wisdom and Goodness, and the Kingdoms Growth, Trade and Traffick, that this should be turned upon me, as an Argument, to make me Guilty of Treason.

I never found a good Bargain should be so charged, so long as it was honest and fair.

But, whereas they press, That I have gained Three Hundred Thousand Pounds Estate by it; it is a very strange mistake: For, the King has out of it his Rent of 15 or 16 Thousand Pounds a year, and Five entire parts of Eight clear to Himself; and therefore it was a strange Calculation, and much mistaken by them that that gave the Information of it to the Gentlemen.

For the book of Rates it was none of mine, but was agreed on before my time; I had nothing to do with it, and therefore have nothing to Answer for it: And, when it shall come to be proved, it will appear, that the Rates were set fairly and justly, and equal betwixt King and People, according to the Law, whatsoever hath been said to the contrary.

The next is the 11th Article, concerning Pipe-Staves, and that is by them waved; and well they may, for the plain truth is, if it had been proceeded in it would have appeared, that there is come Fifteen hundred pounds gain to the King, and Four hundred pounds loss to my self, and preserving of Woods, and that is all that would be made from that Article.

The next is the business of the Tobacco, which is not applyable to Treason in any kind; but because I would be clear in every Man's Judgment that hears me, I beseech your Lordships to call to mind, it was the Petition of the Commons-House of *Ireland*, That the Grant of Impost on the Tobacco should be taken in, and converted to the King's use; so that whatsoever was done, was pursuing their intention and desire.

That there was no way but this, to make benefit and profit of it, is most manifestly shewed, that there was a Proclamation in *England* of the like nature, and a Command of the King to proceed in it accordingly; and an Act of Parliament Transmitted here, for passing it to the Crown, according to the intention of the Commons-House; and, for the greatness of the Bargain, no Proof hath been offered to your Lordships, but only the Estimate of a Merchant; and, how far your Lordships would be guided by the Estimate of a Merchant, I know not; but, I have had Trial of some of them; and their Estimates never hold; for, they have alwayes told me, I shall gain much, and when I came to the point, I gained nothing: and if Sir *George Ratcliff* should be sworn to the Point, he should say confidently, that we are Fourscore and six thousand out of Purse; and, when he came out of *Ireland*, but Fourscore thousand pounds received; and this is the Profit Estimated by the great Merchants, at a Hundred and Forty Thousand Pounds a year: But, at the worst, it is but a Monopoly, and a Monopoly of the best condition, because it was begun by a Parliament. I have seen many Monopolies question'd in Parliament, and many overthrown in Parliament, but, I never heard a Monopoly charged for a Treason.

My Lords, The next is the 13th Article, and that is concerning the Flax business; For that, my Lords, if I had thought it any way concerning me, I could have cleared it in a very great measure; But, I had no private Interest in the business, much less of private profit; but only an endeavour and desire, to bring in the Trade of Linnen-Cloth to that Kingdom, which would be much advantage to both Kingdoms, and no prejudice to this Kingdom, which a Woollen Trade would have been, if set up there.

And, the Proclamation, when it was found not so well liking to the People, was called in of our own accord, before it was question'd, and so laid aside, & given over.

For any matter of private Benefit, you have no Witness but *Crokey*, a Fellow brought out of Prison; Here is but a single Witness, and a sorry one; a Fellow, who, by mis-behaving and mis-using the trust committed to him, was turned out; and, upon the turning of him out, the Proclamation was absolutely called in: and now he comes to be a Witness, being himself the only offender in the Cause.

But, I beseech your Lordships, to think, I have not lived with so mean a heart in the World, that I should look to gain Four Nobles more or less, upon a

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a Cart Load of Flax ; It is very well known my thoughts have carried me free enough from gaining so poor and petty a matter, as that is. I know nothing in the World of it, no more than the man in the Moon ; but, when it comes to be heard, your Lordships will find me extreme pure in that ; for, I thank God I have clear hands I assure you.

The 14th is waved by them, concerning an unlawful Oath given to Masters and Officers of Ships ; and, it might very well be waved ; for I conceive it to be Warranted by the Law : Sure I am, it is both the Practice of *England* and *Ireland*, and hath alwayes, and at all times, been practised and used, and is only for the preventing of Fraud and Deceit in Merchants, by not paying the King's Duties and Customs.

The 15th is Answered already I hope.

The 16th doth Charge upon me certain Propositions I made, before I went into *Ireland* : And, in good Faith, my Lords, you may see, how short-sighted men may be to their own Actions ; for, I did very well believe, I should never have reaped any thing from those Propositions but Thanks ; I am sure they were well received then, when they were offered to His Majesty and the Council ; and, I must truly Confess, I never thought they should be objected against me as a Fault.

My Lords, The Proposition was, *That no man should be allowed to Complain of Injustice or Oppression in Ireland, unless he first addressed himself to the Deputy* : My Lords, there was no Original Intent, but only to prevent Clamours, and Unjust Vexations of the King's Ministers there ; that, after men had received Judgment of the King's Courts, they might not presently come, and, by Clamours, call over a Chief Justice, or a Chancellor, or President, to Answer here, and be at charge of five or six hundred pounds, unless they acquaint the Deputy with it, that they might be righted in the place ; and, this is Charged against me as a great Crime.

Truly, My Lords, I shall Confess, and Amend any thing, and trust other Judgments rather than mine own ; but, I see not how this can Charge me, as intending to subvert the Laws of the Land, but rather to preserve them.

The other concerns a Proclamation, *That none shall depart the Kingdom without License*.

My Lords, for that I have shewed, that no man out of that Kingdom, can come without License, but upon very great Penalties. I have shewed likewise, it was the desire of their own Agents some 15 or 16 years since, That there might be such a Restraint, and none might come over without License. I have shewed you likewise the Instructions to my Lord of *Faulkland*, by which he was Commanded, in pursuance of that Desire, that none should come over without his License : I have shewed the express Command of His Majesty to me, to have it so. I have shewed you likewise the Reasons of State, why it should be so, to prevent that practice and Intelligence, which might otherwise arise betwixt them of that Nation, serving under *Tir-Cornell* and *O Neale* ; and likewise to prevent the going over, and Transplanting the Prime Nobility and Gentry to Seminaries, and other such places, there to be brought up : and therefore, in reason of State, it is a Restraint, and ought so to be. But, having these grounds of Law, Warrant, Practice, Former Instruction and all, Why this should be brought to me in particular Charge, to Convince me of endeavouring the Subversion of the Laws, I must submit to your Lordships.

My Lords, There is, in the latter part of this, another Charge, concerning the Sentencing of one *Parry*, who was Sentenced (as I conceive) very Justly ; and, I have no more to answer for in that Sentence, than any of the rest, having but a single Voice ; and, that I should answer for all, I confess is something hard. But, there is no manner of Testimony in the World in this, save the Testimony of *Parry* himself : Now, if *Parry*, the Man offended, his Testimony shall be taken against the Judge, I know no Man can be safe, and other Testimony is not offered : and therefore I trust that that will easily fall off of it self.

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The 17th is likewise waved; and is, in Truth, of no great Consequence, one way or other, and therefore I shall give no other Answer to it; It was well waved, and had been as well left out, having no great matter in it.

1641.

The 18th is likewise waved, but it is that which sticks very heavy upon me; and, wherein I find my self as much afflicted, as in any one part of the Charge: For, my Lords, here I am Charged up and down, to endeavour to draw upon my self a Dependance of the Papists, in both Kingdoms of *Ireland* and *England*; and, that I have, during the time of my Government, restored diverse Mass-Houses in *Dublin* and elsewhere, that have been by Precedent Deputies taken away. I am likewise Charged to have drawn to my self a Dependance of the *Irish* Army, Eight Thousand, all Papists; and likewise to have miscarried my self in a Commission intrusted with me, before my going into *Ireland*, concerning Compositions for Recusants.

This is a very heavy and grievous Charge, and hath raised a great deal of Ill Opinion against me in the World, to be a Favourer and Contriver with Papists, and I know not whom, against the Religion I profess, a Greater and Foulcr Crime, there cannot be against God or Man; and yet this goes in Print all over the World: and, when it comes to the Point, here is no Proof, nor any part of the Charge made good. And, therefore since it is not made good by the Charge, I humbly desire I may be vindicated in your Lordships Noble Opinions, and the Opinions of all that hear me, that I am in my Religion, what I ought to be; and, that which I will Dye in, and Maintain against all the World: And, I am so far from Contriving any thing to the hinderance of it, that, if God give me life, I will serve it, and prevent any inconvenience to it: and, my Religion and Duty to God is so Dear, and precious to me, that there is nothing in this World, but I shall lay it down as Straw, and Stubble, under my feet, and trample upon it, rather, then in any kind, forfeit that: but, in the mean time, I suffer, and must be content.

My Lords, The next is the 19th Article; and, that was, for framing a New and Unusual Oath, which the *Scots* did take in *Ireland*, to give Pledges of their Allegiance to the King; I have shewed you for that, that the Oath was framed by the King's express Command in *January*, before the Oath was given, which was, I think, in *May*. And, I did then humbly conceive it lawful for me so to do, being only to take from them a Pledg of their Allegiance to the King. I confess, I conceived such an Oath might have been lawfully Administred to the People; and shewed, that the same Oath was Administred here in *England*, to those of that Nation, I shewed that it was taken in *Ireland* voluntarily: And, I humbly represent to your Lordships the time when this Oath was required, when the King and both the Armies were in the Field, lodged not far from one another: And, whereas it is said, it should oblige the Clergy in Ecclesiastical Matters; if your Lordships call to mind, the very Oath it self clears that Point, requiring onely a Temporal Obedience and Allegiance, in a time of that Danger and Distraction, given by the King's own Command, and to no other purpose.

And, my Lords, the Proofs are nothing at all on the matter; Sir *James Montgomery* tells you a Tale, not much Material; nor Mr. *Maxwell*, nor Sir *John Clotworthy*; there is nothing at all in it concerning Treason. *Stewart's* Sentence remains only to be answered in this Article; for that, I conceive it was justly and fairly given, as I then conceived. I was one of the rest, and nothing was intended by that Decree, but his Reformation; and, when he had pleased to have taken the Oath, he might have been released of the Sentence, and sent home again quietly.

The next is the 20th Article; Wherein I am Charged to be a Provoker, and Incendiary of a War against his Majesties Subjects of the *Scotch* Nation; and, that I should say of them, *They were Rebels and Traytors*: and, being about to come into *England*, that I should say, *I would root out of the Kingdom the Scottish Nation Root and Branch*.

My

1641.

My Lords, I shall need no more to say in this, for my being an Incendiary; I think by the Proof, it hath been clearly made appear to your Lordships that I gave no Opinion, but such as others did in the like Case. It is proved by Lord *Traquair*, and my Lord Treasurer, and might have been proved by many more, if it had been needful.

For the Words, that I should say, *The Rooting out the Scots Root and Branch*, They are only testifi'd by one single Witness; *Salmon* the School-Master swears it, and no man else but he; and, I hope, my Lords, that when your Lordships do call to mind, how he is Cross'd by his Fellow Witness *John Loftus*, your Lordships will be satisfied; he Swears I will persecute them to the Blood, and root them out Root and Branch, and, I cannot tell what: But, *John Loftus* said indeed, that I said, I hope that such of the *Scottish* Nation, as would not submit to the Ecclesiastical Government, I would root out stock and branch: a wonderful difference between these two. But, my Lords, it was testified by Mr. Secretary *Manwaring* then present, that I never spoke the one nor the other, but as in my Answer I did truly and faithfully deliver it; I said, that unless they would take that Oath of Allegiance, and secure the King of their Allegiance in that point, I hope I should not see any of them stay in that Kingdom, that refused it: and, there is no proof in the World but the School-Master; and, I hope your Lordships will not take him to be a good and valid proof to convince me in this Case, being a person of no greater Quality, and cross'd by his fellow Witness: For my self, I do absolutely say, I was so far from wishing ill to that Nation, or any Dissension or Division between them, that I never desired other in my heart and soul, but a firm Peace through the King's Dominions: My Counsels tended to that; and, if I might seem to begin in a contrary way, yet the last resort was, to bring all to quietness, and so, that it should be without Blood. And, I dare say, there be them that heard me say it many a time in the King's Council, *That the King should be in nothing so much sparing and tender, as to draw any Blood in that Quarrel*; I dare say, many that heard it will justifie me in it: And, if your Lordships will give me leave, I do think I have something that might procure your Lordships belief that it was so; for, at that time, my Fortune (though now by Misfortune it be mean enough) was such, as I needed not desire to shuffle the Cards, and deal anew; and especially, when nothing was to be got but Blows: and, that I trust will be an Argument to your Lordships, that nothing was desired by me so much as Peace; and that under God's goodness, and the protection and Benefit of His Majestie's Scepter, I might enjoy the little Estate my Ancestors left me; for, it is certainly true, whatever the World may think to the contrary, it is very little better from what my Father left me; something it is, and the most part of the Improvement of it was, before I came to serve the King; and yet I have had more from the King then I deserved in all kinds, and all the whole service of my Life, were it never so many years, could not Merit, nor deserve from him, the Hundred part of what I had from His Favour.

My Lords, Mr. Treasurer *Vane* says, I was in the Argument for an Offensive and he for a Defensive War, for a War both of us: And, I beseech your Lordships, How should it be more Treasonable for me, to be for an Offensive, then for him to be for a Defensive War? for a War there must be, and the difference was not great: and, for a Councillor to deliver his Opinion, and have that turned upon him as Capital, to sweep from the World himself and his Posterity, is a very hard Case, to say no more of it.

The next *Article* is the 21th, wherein I am Charged to be an Enemy to Parliaments; a Breaker of Parliaments; and did, by that means, sow ill Affections betwixt the King and His People.

My Lords, This is more fully Charged in a Subsequent Article then this; for, this is but only for breaking of the last Parliament; that I should advise it to be called, with an intent to break it, which is very unlikely; for, that nothing in the World could be of so happy effect to me, as the success of that Meeting, and yet I must destroy, and disadvantage my self in that, then which, nothing could be of more advantage then the success of that Parliament.

The 22th Article is Answered already; and, the 23th likewise.

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In the 24th Article, comes in that of the Parliament more fully; and there I am Charged Falſly, and Treacherouſly, and Malitiouſly; to have declared before His Majesties Privy-Council, *That the Parliament of England had forsaken the King, and given Him the Advantage to Supply Himself otherways; and having so Maliciously Slandered the said House of Commons,* that I did, with the Advice of the Archbishop of Canterbury, and the Lord Finch, Publish a False and Trayterous Book, called, *His Majesty's Declaration of the Causes of Dissolving the last Parliament,* &c. This goes very heavy upon me in the World, that I should be a breaker of Parliaments; a Counsellor against Parliaments. My Lords, there is nothing proved of it; and, I hope I shall be cleared by your Lordships, and these noble Gentlemen, and all the World, that I had no such thing in my heart.

For the Point of the Declaration, I was at that time Sick in my Bed, and could do nothing in it, and therefore I trust I shall be acquitted as to that: As to the Breaking of the Parliament, or any ill-will to Parliaments, I have ever honour'd them; and, far be it from me to wish, that they may not be frequent, for the good of the King and Kingdom; but, as oft as you shall have it urged, and prest against me, that I should be an endeavourer to Subvert the Fundamental Lawes of the Land in this kind, I beseech your Lordships, call to mind what hath been proved, that at all Publick Debates, at Council, and Privately apart, I have humbly represented to His Majesty, from time to time, *That Parliaments are the Only Way to Settle Himself in Quietness in the Kingdom, and to acquire Prosperity and Happiness to Himself and His People:* And, when you shall hear them prest upon me, that I have endeavoured to Subvert the Fundamental Laws of the Land, I beseech your Lordships to call to mind, how frequently and fervently I have advised the King, to call for Parliaments, which, under God, is the great Protection, and Defence of the Fundamental Laws of the Kingdom,

To the 25th I have Answered already, and to the 26th likewise.

The next is the 27th; and, for that, I can say no more, then that your Lordships have heard the Proofs for the Levying of Money; it hath been cleared to your Lordships, that nothing was done by me, but by Consent of the Country, with their Unanimous good liking, and for their benefit and advantage: Being done so, and for so good ends, as I trust that shall not be enforced against me; and, it is very strange to me why it should be expected, that if two Armies be in the Field, one against the other (as there was at York) that they should be Govern'd with as much quietness, as an Atturney walking with his Writs at his Girdle, betwixt the King's Bench and the Common-pleas.

For, Armies cannot be Govern'd without some Latitude in this kind: *Inter arma Silent Leges:* rightly applyed, there is truth in that. But, I did nothing in the Business, I did nothing by Compulsion, but by the voluntary liking of the Parties themselves: and therefore, I conceive, that shall not be Charged upon me as Treason.

There remains now the 28th Article; and that is the onely Bloody Article, if it had been, or could be made good, that is in the whole Charge; for, there I am Charged, out of ill and wicked purposes (and, indeed, What can be worse than Treason) to have Betrayed Newcastle into the power of the Scotch Army; and, likewise, to have betrayed the King's Army at Newburn, to a dishonourable Retreat.

My Lords, if either of these had been true, I should have saved your Lordships the labour. I would have given Judgment against my self, that had been certain: But, my Lords, never was any Man more Innocent, therefore they may very well wave it.

Have I been all this while Charged as an Incendiary? and, Am I now come in the Conclusion to be charged as a Confederate? it is wonderful strange! certainly your Articles fight one against another in this; for, How can I be an Incendiary in one part, and a Conspirator with them that Charged me, to be an Incendiary in the other part?

In good Faith, I have not been very kindly dealt withal by my Confederates, if they be Confederates, to Charge me as an Incendiary, that did them that Service and Help, as to deliver into their hands a Town of such Consequence as that is.

No, my Lords, I wish all happiness to the Nation, but, I can never wish so to

1641.

it, as that they should take one of the King's Towns in *England*, if I could have helped it. My Lords, it was lost before I had the Charge of the Army, I had nothing to do in the business, nor am I to give any Accompt of it, nor is any thing proved.

And, as to the Defeat at *Newburn*, you yet fight one Article with another, methinks in that too; for, I am charged to be the Man, that delivered up *Newcastle*, and yet, all the World knows, that nothing could save it from being lost, but taking away from the *Scots* the Passages at that time: So, that I should use all means to prevent Men from doing that, which I meant to do for them, is verie all strange to me. Here is no Probability, and certainly little truth in the whole business, as concerning my Confederating with the *Scots*, either for the one or the other.

And so, my Lords, I am come to the end of these 28 *Articles*, that were for my further Impeachment; I have gone over them all: and, out of these now there remains, that other Second Treason, that I should be guilty of endeavouring, to Subvert the Fundamental Laws of the Land, in the first of those Seven *Articles*.

My Lords, That those should now be Treason together, that are not Treason in any one part, and Accumulatively to come upon me in that kind; and, where one will not do it of it self, yet woven up with others, it shall do it; Under favour, my Lords, I do not conceive, that there is either Statute-Law, or Common-Law, that hath declared this, endeavouring to Subvert the Fundamental Laws, to be High Treason.

I say, neither Statute-Law, nor Common-Law Written, that I could hear of; and, I have been as diligent to enquire of it as I could be: And, your Lordships will believe I had reason so to do. And, sure it is a very hard thing, I should here be question'd for my Life and Honor, upon a Law that is not Extant, that Cannot be Shewed. There is a Rule that I have read out of my Lord *Cook*, *Non apparentibus & non existentibus eadem est Ratio*.

Jesu! My Lords, Where hath this Fire lay'n all this while, so many hundred years together, that no Smoak should appear till it burst out now, to consume me and my Children. Hard it is, and extream hard, in my Opinion, that a Punishment should Precede the Promulgation of a Law; that I should be Punished by a Law Subsequent to the Act done. I most humbly beseech your Lordships, take that into Consideration; for, certainly it were better a great deal to live under no Law, but the Will of Man, and Conform our selves in Humane Wisdom, as well as we could; and, to Comply with that Will, then to live under the Protection of a Law, as we think, and then a Law should be made to punish us, for a Crime precedent to the Law: then I conceive no Man living could be safe, if that should be admitted.

My Lords, it is hard in another respect, that there should be no Token set upon this Offence, by which we may know it; no manner of Token given; no Admonition by which we might be aware of it. If I pass down the *Thames* in a Boat, and run and Split my self upon an Anchor, if there be not a Buoy to give me warning, the Party shall give me Damages; but, if it be Marked out, then it is at my own peril. Now, my Lords, Where is the Mark set upon this Crime? Where is the Token by which I should discover? if it be not Marked, if it lie under-Water, and not above, there is no Humane Providence can prevent the Destruction of a Man Presently and Instantly. Let us then lay aside all that is Humane Wisdom, let us rely onely upon Divine Revelation; for, certainly, nothing else can preserve us, if you will Condemn us before you tell us where the Fault is, that we may avoid it.

My Lords, may your Lordships be pleased to have that regard to the Peerage of *England*, as never to suffer your selves to be put upon those Moot-Points, upon such Constructions, and Interpretations, and Strictness of Law, as these are, when the Law is not clear nor known: If there must be a Tryal of Wits, I do most humbly beseech your Lordships to consider, that the Subject may be of something else, then of your Lives and your Honors.

My Lords, We find, that in the Primitive time, on the Sound and Plain Doctrine of the blessed Apostles, they brought in their Books of Curious Art, and burnt them.

My Lords, it will be likewise, under favour (as I humbly conceive) Wisdom and Providence in your Lordships, for your selves and posterities, for the whole Kingdom,

Kingdom, to cast from you into the Fire, those Bloody and Mysterious Volumes, of Constructive and Arbitrary Treasons; and to betake your selves to the plain Letter of the Statute, that tells you where the Crime is, that so you may avoid it; and let us not, my Lords, be ambitious to be more Learned in those killing Arts, then our Fore-fathers were before us.

My Lords, It is now full Two Hundred and Forty years since any Man ever was Touch'd, to this Height, upon this Crime, before my self; We have lived, my Lords, happily to our selves at Home, we have lived Gloriously Abroad to the World; let us be content with that which our Fathers left us, and let us not awake those Sleepy Lyons to our own Destruction, by Ratling up of a Company of Records, that have lay'n for so many Ages by the Wall, Forgotten, or Neglected.

My Lords, There is this that troubles me extreamly, lest it should be my Misfortune to all the rest (for my other Sins, not for my Treasons) that my Precedent should be of that Disadvantage (as this will be, I fear, in the Consequence of it) upon the Whole *KINGDOM*.

My Lords, I beseech you therefore, that you will be pleased seriously to consider it, and let my particular Case be so looked upon, as that you do not, through me, Wound the Interest of the *Common-Wealth*: For, howsoever those Gentlemen at the Bar say, They Speak for the *Common-Wealth*, and they believe so; yet, under favour, in this particular, I believe I Speak for the *Common-Wealth* too; and, that the Inconveniencies and Miseries that will follow upon this, will be such, as it will come, within a few Years, to that which is exprest in the Statute of *Henry the Fourth*, it will be of such a Condition, that no Man shall know what to do, or what to say.

Do not, my Lords, put greater Difficulty upon the Ministers of State, then that with Chearfulness they may Serve the King and the State, for, if you will Examine them by every Grain, or every little Weight, it will be so heavy, that the Publick Affairs of the Kingdom will be left waste, and no man will meddle with them, that hath Wisdom, and Honor, and Fortune to lose.

My Lords, I have now troubled your Lordships a great deal longer, then I should have done; were it not for the Interest of those *PLEDGES*, that a Saint in Heaven left me, I would be loth, my Lords——(here his Weeping stopt him, what I forfeit for my self is nothing; but, I confess, that my Indiscretion should Forfeit for them, it wounds me very deeply. You will be pleased to pardon my Infirmary; something I should have said; but, I see I shall not be able, and therefore I will leave it.

And now, my Lords, for my Self, I thank God I have been, by his Good Blessing towards me, taught, *That the Afflictions of this present Life, are not to be compared with that Eternal Weight of Glory, that shall be Revealed for us hereafter*: And so, my Lords, even so, with all Humility, and with all Tranquility of Mind, I do submit my self clearly and freely to your Judgments; and, whether that Righteous Judgment shall be to Life, or to Death,

Te Deum Laudamus, Te Dominum Confitemur.

And then lifting up his Hands and Eyes he said, *In te Domine confido, ne confundar in Eternum.*

Thus did this Great Mind deliver his Defence, with a Grace and Action so unimitable and peculiar to himself, as wrought Admiration and Compassion in his very Enemies, at least for the present: And pittty it is, that it cannot be found in the power of Art to rescue that part of Eloquence which consists in Action, from oblivion; and had it been possible here would have been something besides the Words, capable of Obliging Posterity, and worthy of their Imitation; for certainly as his very Enemies confessed, *He was one of the greatest Masters of Persuasion, that Age or any other have produced.*

My Lord having concluded his Defence, Mr. Glyn addressing himself to the Lords, spoke as followeth:

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May it please Your Lordships,

MY Lord of *Strafford* (as your Lordships have observed,) hath spent a great deal of time in his Evidence, and in his course of Answering, hath inverted the order of the Articles; he hath spent some time likewise in defending the Articles not objected against him, wherein he hath made a good Answer, if in any: We shall presume to withdraw a while, and rest upon your Lordships patience; and I doubt not but to represent my Lord of *Strafford* as cunning in his Answer, as he is subtil in his Practice.

The Committee withdrawing for about the space of half an hour, and then returning to the Bar, Mr. *Glyn* proceeded as followeth.

My Lords,

Your Lordships have observed how the Earl of *Strafford* hath been accused by the *Commons* of *England* of *High Treason*, for a purpose and design to subvert the *Fundamental Lawes* of both the Kingdoms of *England* and *Ireland*, and to introduce an *Arbitrary* and *Tyrannical Government*: The *Commons* have exhibited Articles in maintenance of that Charge: My Lord of *Strafford* hath thereunto answered in Writing. The *Commons* have proceeded to make good their Charge by proof, and thereunto my Lord of *Strafford* hath made his Defence; and this day my Lord of *Strafford* hath taken upon him to recollect his Evidence, and make his observation upon it, the most he could to his advantage.

My Lords, We that are intrusted for the House of Commons, stand here to recollect the Evidence on our part, and to apply it to the general Charge, and how far it conduces thereunto.

My Lord of *Strafford* in recollecting the Evidence of his Defence, as I did mention before, hath (under favour) exprest very much subtilty, and that in divers particulars, which I shall represent to your Lordships.

My Lords, before I enter upon the recollection of the proofs produced on the behalf of the *Commons*, I shall make some observations, and give some answer to that recollection of his; though very disorderly to the method I propounded to my self.

And First, in general, it will appear to your Lordships, (looking upon your Notes, and observing his recollection) that he hath used the repetition of Evidence on both sides, in such manner as you know who used Scripture; that is, to cite as much as makes for his purpose, and leave out the rest. And likewise, that in repetition of the Evidence, he hath mis-recited plainly, very much of the proofs on both sides, and likewise hath pretended some proofs to be for his Defence, which indeed were not: and he hath taken this farther advantage; when it makes for his Defence, he hath disjoyned the Proofs and Testimonies, and severed them asunder, that it might appear to your Lordships, like Rain falling in drops, which considered in distinct drops, bring no horror, or seeming inconvenience with them; but when they are gathered together into an entire body, they make an Inundation, and cover the Face of the Earth. He would not have your Lordships look on those Testimonies together, but distinctly and asunder, which being put together, look horrid, as will appear to your Lordships, when you duly consider of them.

These be the general observations, which in my Answer I doubt not but to make good: But before I shall enter into observations of what he hath spoken, I shall answer in general to some things which he hath in general alledged.

In the first place, he hath made a flourish this day, and several other days in the way of his Defence, *That if he could have had longer time, he could have made things appear clearer, and have produced more proofs.* Give me leave to inform your Lordships, that he is no way streightned of time, for he hath been charged above threemonths since he knew what was laid to his Charge, and therefore his pretence of want of time, and of his Disabilities to make better proofs, are but *Flourishes*. And it appears plainly, whatsoever he hath had occasion to make use of, even the least paper, though he fetched it from *Ireland*, there is not one wanting; he hath Copies of Papers from the Council-Table, from the Parliament of *Ireland*, and

and all that may any way tend to his justification, and yet he stands upon that flourish, that if he had had time, he could have made it more clear.

My Lords, He hath mentioned often this day, and oftner the days before, That many of the Articles laid to his Charge, are proved but by one Witness; and thereupon he takes the advantage of the Statute of E. 6. that sayes, *A man ought not to be condemned for High-Treason, without two Witnesses.* My Lords, This is a fallacy known to his own breast, I doubt not, and not taught him by any of his Counsel, or others Learned.

The Treason laid to his charge, is, *The subverting of the Laws*; the Evidence is, the Article proved: and though some one Article appears to be proved but by one; yet put the Evidence together, you shall never find it to be within the words or meaning of the Statute; for the Charge is proved by a hundred Witnesses: and because one part of the Evidence is proved only by one Witness, since, when you put them together, you will find a hundred Witnesses, it is not within the words, nor meaning of the Statute, neither will his Counsel direct him to say so, I am confident.

My Lords, another observation I shall be bold to make, is, that he was pleased to cast an aspersion (as we must apprehend) upon them that are trusted by the House of Commons this day, That we that stand here, alledged and affirmed things to be proved, that are not proved. He might have pleased to have spared that language; we stand here to justify our selves, that we do not use to express any language, but what our hearts and consciences tell us is true; and howsoever he is pleased to cast it upon us, I am confident I shall invert it upon himself, and make it appear, that he hath been this day guilty in the highest degree, of what he most unjustly layeth to our charge.

And now my Lords, to enter upon the particulars he hath been pleased to make it his general Theme to day (though he hath not spoke much to day but what he hath spoken formerly) that these particulars considered by themselves make not a Treason, and therefore put together, he wonders how they should make a Treason: Several misdemeanors can never make a murther, and several Murthers can never make a Treason; and he wonders it should be otherwise in this Case. My Lords, He did instance it (if my memory fails not) in a Case of Felony; That if a bloody knife should be produced in the hand of the party suspected to have slain the man, if the party had been there seen before the death, it were a strange Evidence; but there must be death in the case, the fact must be committed, else there can be no murther: but he himself might answer himself, for there is a great difference; There cannot be murther but there must be death, but he knows very well there may be Treason and yet no death; it is too late to forbear questioning Treason for killing the King, till the King be killed: God forbid we should stay in that Case, for the very intention is the Treason, and it is the intention of the death of the Law that is in question, and it had been too late to call him to question, to answer with his life, for the death of the Law, if the Law had been killed, for there had been no Law then; and how should the Law then have adjudged it Treason, when the same was subverted and destroyed? and therefore he is much mistaken.

The greatest Traytor, in the memory of any that sits here to hear me this day, had a better, a fairer excuse in this particular, than my Lord of *Strafford*, and that is *Guido Faux*; for he might have objected, that the taking of the Cellar, the laying of the Powder under the Parliament-House, the kindling of the Match, and putting it near, are not so much as a misdemeanor, if you look no further; for it was no offence in him to lay Barrells under the Parliament-House, and to kindle the Match, and to lay it near; but collect all together; that it was *ea intentione*, to blow up the King and the State, there is the Treason: but God be blessed it was not effected; so that the rule is the same. Nay, my Lord of *Strafford* hath not so much to say, when he is charged with a purpose and intention to subvert the Law; for to that purpose gave he traiterous Counsels, and executed actions, thereby discovering his intentions to destroy the Kingdom, and to destroy the King's claim by Law, and descent. It is true, they were not put in execution, but they declared his intentions; therefore this gives an answer to his first flourish, which is not so great an Argument as the greatest Traytor might use for himself, and yet it proved Treason in him.

My

1641.

My Lords, he hath been pleased to divide his Treasons into two parts, and his division I allow of; that is, Treason by Statute-Law, as he terms it, though it be Treason by the Common-Law; and constructive Treason: And upon that method he hath recited the evidence produced on either part; Give me leave to follow and trace him a little, and afterwards to discharge my own duty in taking my own course, and representing the evidence as it appears, truly; and I will avoid (as much as I can) to fall into my Lord of *Strafford's* error, in mis-reciting a *Particle*; if I do, it shall be against my will.

He begins with the Fifteenth Article, and pretends that that is not proved: The ground and foundation of that *Article*, was a Warrant issued out by himself to a Serjeant at Arms, one *Savill*, which gave directions and power to that Serjeant, to lay Soldiers on any person that should condemn the Process of the Council-board in *Ireland*; that was the effect: Now (says he) *this Warrant is not produced*, and adds, *That the Judges will tell your Lordships, that if a man be charged with any thing under Hand and Seal the Deed must be produced and proved, or else no credit is to be given to it.* Truly, my Lords, it is true, if it had been a Bond, or a Deed, where those that Seal it, use to call their neighbours to testify, and be Witnesses to it, perhaps it might be a colourable answer, that because we do not produce the Deed, and prove it by Witnesses, you can therefore give no credit to it: But my Lords, in case of authority to commit High Treason, I suppose my Lord of *Strafford*, nor any other, did call witnesses to prove the Signing, Sealing, and Delivering of the Warrant for execution of High Treason; and therefore it is a new way and invention found out by his Lordship, for ought I see, to commit High Treason, and to give authority for it; and it is but taking away the original Warrant, and he shall never be touched for any Treason. But I beseech your Lordships patience, till I come to open that Article, and your Lordships will find the Warrant, (though it be not produced,) proved by three or four Witnesses, and his Hand and Seal proved too. And whereas he pretends the Serjeant at Arms is no competent Witness, because he excuses himself; my Lord mistakes himself, for I take it to be no excuse, to prove a Warrant from any person whatsoever, if it be to commit High Treason: and therefore *Savil's* testimony is the more strong, being so far from excusing, that he doth accuse himself: And though he is charged with laying of Soldiers upon the King's People, contrary to an express Act of Parliament made in 18 *H. 6.* yet my Lord is pleased (I know not how to term it, whether it be merrily or otherwise) to use his Rhetorick, *Here is a great levying of War, when there is not above four Musquetiers, or six at most, laid upon any one man.*

My Lords, it is a plain levying of War, and without all question, and in all sense, it is as much mischievous to me to be surprized by four or six Musquetiers, to enforce me to any thing they would have, as if there were an Army of Forty thousand brought upon me; for if that strength will but over-master me, it is all one to me, whether I be mastered by four, or by four thousand. And therefore let not this be a rule, that to send four, or six, or ten Musquetiers up and down, is not considerable, because of the smallness of the number (the danger is the same;) yet *this is no levying of War, because they goe not in Troops of greater number,* as it pleases my Lord of *Strafford* to affirm.

My Lords, Your Lordships remember what the effect of the Warrant is sworn to be, that howsoever the Serjeant at Arms, and his Ministers that executed it, brought but four, or six, or ten, yet the Serjeant might have brought all the Army of *Ireland*, for there was authority so to do.

And admitting the matter of Fact proved, he mentions an Act of Parliament made 11 *Eliz.* whereby a penalty is laid upon men that shall lay Soldiers on the King's Subjects, and yet (as my Lord observes) *it must now be Treason in the Deputy.*

My Lords, The very casting of an eye upon that Act, shews it to be as vainly objected, as if he had said nothing; for in truth it is no other, than as if he should say, *The King hath given me the Command of an Army in Ireland, and therefore I may turn them upon the bowels of the King's Subjects:* It is no more in effect.

Your Lordships heard him the other day mentioning two Acts of Repeal, and I expected he would have insisted upon them; but it seems he hath been better advised, and thinks them not worthy repetition, nor indeed are they. And if the

the matter of Fact be proved upon the Fifteenth *Article*, I am confident he will find the Statute of 18 *H. 6.* to be of full force.

My Lords, I am very sorry to hear, that when levying of War upon the King's Subjects is in agitation, and he charged with High Treason, he should make mention of the *Yorkshire* men, and the Army now on foot, whereby he would insinuate, that *if he be charged with High Treason, then they must be likewise*, though they lye quartered, and have meat and drink with the assent of the people; which may breed ill blood for ought I know.

From the Fifteenth *Article* he descends to the Three and twentieth, and that is the *Article* whereby he stands charged with *speaking of Words, and giving of Counsel to His Majesty, to incense him against His Parliament, pretending a Necessity, and telling him, He is loose, and absolved from all Rules of Government; That he had an Army in Ireland, which he might make use of to reduce this Kingdom.* In this he is pleased to begin with the Testimony of my Lord *Ranelagh*, conceiving an apprehension and fear in him, that the Army should go over to *England*, which my Lord says, *is no more but his saying, and Mr. Treasurer Vane's.*

I pray God my Lord *Ranelagh* had not much cause to fear; but by the same rule he may lay a charge of unwarrantable fear upon all the Commons; for sure the Commons of *England* did fear it, else they would not make an *Article* of it: but my Lord *Ranelagh's* fear did not arise from a slight cause, and he shewed himself a good Common-wealths man in expressing it, and he is to be commended for it, howsoever it be apprehended by my Lord of *Strafford*.

For his observation of the single Testimony of Mr. Treasurer *Vane*, give me leave to take the same latitude as his Lordship did; for he shews to three or four *Articles* what he could have proved; as to the *Article* concerning the Army, *he could have proved the design of it by Sir John Burlacy, and some others if they had been here.* But by this rule and liberty, he hath taken to alledge what he could have shown, give me leave to tell you what we might have shown, and are ready to show: we could have made it express, and proved it by Notes, taken by Secretary *Vane*, the 5th of *May*, when the words were spoken; which Notes should have been proved, if we had proceeded on the Three and twentieth *Article*, to corroborate the Testimony of Mr. Secretary *Vane*, and that by two Witnesses. We could likewise have shown how we came to the knowledg of it, it being by means unknown to Mr. Secretary *Vane*, and have made him an upright Counsellor and Witness: but we shall prove his intentions to bring in the *Irish* Army another way, when I come to open my own course and method.

My Lords, he pretends these words were spoken the 5th of *May*, but when they were testified by Mr. Treasurer, he did not speak of the 5th of *May*, and yet now my Lord remembers the day: and I wonder how he came to the knowledge of the day, unless he likewise remembred the words.

But that my Lord observes, is, *That being spoken then, how should he perswade the King, that he had an Army in Ireland, when in truth he had none there? for the Army was not on foot till a month after.* This, my Lords, is plainly answered; and if he had thought of his own answer, he had answered himself: for he tells you, *That in April before, he had taken a course for the levying of the Army, he had nominated the Officers, giving direction for raising it: and the day of the Rendezvous of the Army was appointed the 18th of May.* And so in his own answer he makes an answer to the objection, and the objection is taken away out of his own confession.

From that *Article* he falls to the Seven and twentieth *Article*, whereby he stands charged with *Levying Money by force upon the King's People in Yorkshire*: he is pleased to observe, *that all the proof for the maintenance of that Article, is only the levying of Money by four Soldiers by Sergeant-Major Yaworth*; where he is pleased to disdain the War, because it was so weak; yet it was too strong for them (God help them) that were forced upon pain of life to pay it. And whereas he pretends the Warrant was not from him, I shall reserve that till I come to the *Article*, and when I come to the proofs, I believe it will remain fixed upon him.

And there he left his Statute-Treason, and now he falls to the second kind of Treason, and that was the introductive or constructive Treason: He begins with the Third *Article*, that is, concerning some words that he should be charged to have spoken in *Ireland*; and I shall desire that your Lordships would be pleased to

look

1641.

look upon your Notes, how he answers that Article; *My Lords*, says he, *I am charged to say that Ireland was a Conquered Nation, and that their Charters were nothing worth, and bind the King no further than he pleaseth; therefore I am a Traytor because I speak the Truth.* There was his Answer in his Collection. And for their Charters he says, *He might very well say so, for he intended it no otherwise, but according to the validity of them, for they were several ways questionable, and ought not to bind unless they were good in Law.* But if you look upon his Arguments, he hath like a cunning Orator, omitted the principal part of the Article; and that is, *That Ireland is a Conquered Nation, and they were to be governed as the King pleaseth, the King might do with them what he list;* this he omits, although they be proved by three Witnesses, and are applicable to his intentions fully; yet he could make use of so much as makes for him, and leaves out the rest, like your Lordships know whom.

Then he descends to the Fourth Article, and this concerns some words he should speak, upon an occasion betwixt him and my Lord of Cork, that he should tell my Lord of Cork, *He would have neither Law nor Lawyers dispute or question his Orders.* And upon another occasion, *That he would make my Lord of Cork, and all Ireland know, That all Acts of State (which are Acts of Council) there made, should be as binding as any Act of Parliament:* This he said was proved but by one Witness: and I extremely marvel to hear him say so; for the latter words we proved by four, or five, or six Witnesses, that is, *That he would have Acts of State, as binding as Acts of Parliament.* Whereas he sayes, these are all the words produced against him in the time of Seven Years Government there; your Lordships have heard of many words, and if we would trouble your Lordships further in this kind, we could prove such words spoken, as often almost as he remained dayes in Ireland, that is, for the mis-recital. The other part two Witnesses proved; but the residue, *That they must expect Law from the King as a Conqueror, That Acts of State should be equal to Acts of Parliament; and when an Act of Parliament would not pass, he would make it good by an Act of State:* These speeches at other times were proved by five Witnesses.

Then he falls back to the Second Article, touching the words, *That the King's little finger should be heavier than the loins of the Law.*

My Lords, These words were proved expressly by five Witnesses, to be by him spoken; and if he had produced five hundred that had said he did not speak them, they had not been equivalent to disprove five; but he produces none. Sir William Pennyman repeats other words, and inverts them, and none but he. Another party, a Minister, reports a report that he heard concerning these words, but my Lord, he saith, the occasion of the speaking of them was not mentioned. Truly perhaps it might be the forgetfulness of my Lord's memory, but let me put him in mind; and your Lordships remember that the occasion was exprest by one, and that is Sir David Fowles, that he laying a Command upon Sir David, to Repair a Bridge, and calling him to an account why it was not repaired, Sir David Fowles told him he could not do it by Law. And therefore omitting it, my Lord said to him, *Sir, some are all for Law and Lawyers, but you shall know, that the King's little finger will be heavier than the loins of the Law.* Here is the occasion, though he would have another business, the Knighting Money to be the occasion.

From the Second he falls to the Three and twentieth Article, that is, concerning words, that he should counsel His Majesty, that *he might use His Prerogative as he pleased;* but in saying there was no proof offered, he here begins to fall upon the other fallacy, that is, to pull things asunder (whereas we produce them together) and would make that which is a Fagot, to be but a single Stick; but, under favour, when I come, with your Lordships patience, to open the force of the proofs, and put them together, he shall find (contrary to his expectation) that they are fully proved by the Testimony of many Witnesses, upon consideration of the precedent, concurrent, and subsequent Acts and Intentions of my Lord of Strafford.

I shall not now run over my Lord Primate's Testimony, or my Lord Conway's, or Master Treasurer's, or my Lord of Bristol's, but make use of them in their proper places, when I shall put all together, to shew his design, and to prove his speaking of the words.

Then he comes to the Five and twentieth Article, which I shall not insist on, though

though he pretends it not proved; I shall refer that to my recollection, that I may not answer to his pieces, but bring all together, and then the horror of his Fact shall more speciously appear. Only this (under favour) I cannot pass over, when he comes to justify an Advice and Counsel of the King's being loose and absolved from all rules of Government, and that he might use his Prerogative as he pleases, he is pleased to mention the Argument of the Judges in the Ship-Money, and what they should deliver, he makes the Warrant of his Counsel. Now your Lordships may observe, he would Justifie his Actions by Law, in some cases, where it is to his advantage, but in other cases he must be ignorant of the Law.

But my Lords, for him to mention any thing in the Argument of the Judges, concerning the Ship-money, which is now condemned, and to make that a ground of his Counsel and advice to the King, and not the Judgment in truth, but the Argument of the Counsel at Bar, that therefore he is loose, and absolved from all rule of Government; for him to make the Parliaments deferring to give supply, to be that necessity which was insisted upon in the Counsels Argument, and to be such an unavoidable necessity, as to beget an Invasion upon Propriety and Liberty, it rests in your Judgments, and the Judgments of all that hear me, what Argument this is, and what he declares his opinion to be this day.

In the latter part let me close hands, and agree with him; he says, Proofs must be taken by themselves, they must not be Judged by pieces, but together; and now in good time I shall joyn with him, and shall desire the same Judgment, that things may not be taken asunder, but Judged together according to his own words.

For the twentieth Article, he is thereby charged with *being an Incendiary between both Nations, and an occasion of drawing two Armies into this Kingdom, and to incense the War.*

My Lords, I remember (if I did not mis-conceive, and my memory mis-prompt me) my Lord said, *He could have no occasion to incense a War, being a man of an Estate, and should have no benefit by it, having sufficient to live without it:* but in due time I shall make it appear, to my apprehension, and I believe to your Lordships, when you have heard it, that the incensing of this War, and provoking of it, was the principal instrument of bringing to pass his design of subverting the Laws, through the whole work of it.

My Lords, in the passage of this, he takes occasion to speak of the Testimony of Mr. Secretary Vane, who testifies, *That my Lord was for an Offensive and himself for a Defensive War:* Whence my Lord argues, here is no great difference, for both were for a War: But my Lord, Is there no difference between an offensive and defensive War, in case of Subjects that live under one King? is there no difference to bring an Army to offend them, and for the King to raise a force to defend himself? truly I think there is a great difference and a very material one too: but your Lordships see he makes no difference between them.

My Lords, In the four and twentieth Article he mentions, *That he is charged with being an occasion to break the Parliament,* and lays hold of that, as in the other Articles, *That it was not proved, but declined.* My Lords, when he shall hear the repetition of the Evidence, though part of the Article was not particularly insisted upon, yet I believe it will appear to your Lordships, and the world, that he was the occasion of breaking the last Parliament, and it is expressly proved by Witnesses enough; and though he says, *How should any body think him an occasion of it, that did so often advise Parliaments?* yet I shall shew anon, that when he did advise them, it was to compass his own Design and Plot, without which, his ends could not be brought to pass.

He came from the four and twentieth Article, to the Seven and twentieth, and he answers against that Article, *That when Armies are in the Field, men cannot walk so peaceably, as an Attorney with his Box and Papers in Westminster Hall.* I know not what he means; but when two Armies are in the Field, they may raise War against the King's People, as well as the King for his just defence; it is the way to make his people terrified with Armies, and to avoid them as a Serpent, and therefore it is a dangerous aspersions, as I conceive.

With these he concluded, except some things that he took, by way of artificial insinuation, to perswade your Lordships, *That it was dangerous to raise a Treason that had lain asleep, I know not how many hundred years, and create a Treason.* A strange thing indeed it is, *That a man shall be charged with a Treason for subverting the Law!* A strange thing that one should be charged with Treason for killing a Justice sitting in the Seat of Justice, and yet it should be no Treason to destroy King, and Kingdom, and People, and all; all which are destroyed, if the Law be subverted.

And now having touched upon what he hath spoken, with your Lordships good favour, I shall crave leave to run the course I have propounded with my self: and that very briefly; that is, upon the whole matter, to shew how far the Evidence, produced on the Commons part, doth prove the Charge.

My Lords, *That laid to his Charge, is a design and purpose to subvert the fundamental Laws of two Kingdoms, and to introduce an Arbitrary and Tyrannical Government;* not that he did effect it, but that he did intend it: for if he had done it, it had been too late to question it, he had left no rule whereby to call him to Tryal; but his intention and his endeavour are his Charge.

My Lords, How far this is proved, if your Lordships be pleased to call to mind the Articles and the Evidences produced on the Commons part, your Lordships will find, I believe, that his Words, his Counsels, and his Actions, do sufficiently prove his endeavouring to destroy.

In the first Article, where my Lord of *Strafford* hath the first opportunity offered him to put this endeavour in execution (that is the first place of eminency amongst his other Places and Commands, which I take it was his being made President of the North) he is no sooner there, but there be instructions procured to enable him to proceed in that Court, almost in all Causes; for a man can scarce think of a Cause, which is not comprehended within the Instructions obtained after his coming thither: but I shall put your Lordship in mind of two clauses of the Instructions procured in the Eighth year of this King, and after he was President; that is, the Clause of *Habeas Corpus*, and *Prohibitions*; that no man should obtain a *Prohibition*, to stay any Suit that should be commenced before him, in the Council of York; That if any man should be imprisoned by any Process out of that Court, he must have no *Habeas Corpus*. A *Prohibition* is the only means to vindicate the estate of the Subject, if it be questioned without Authority. A *Habeas Corpus* is the only means to vindicate his Liberty, if he be detained without Law: but these doors must be shut against the King's Subjects, that if either they be questioned, or restrained before him, there must be no relief. How far he could go further I am to seek, there being no means for the Subject to relieve himself, if he be questioned for his Estate without Authority; no means to redeem himself, if his person be imprisoned without Law. And he had so incircled himself about, that if the Judges should find the party that returns not the *Habeas Corpus*, according to Law, there was a Power, and a Warrant, by the Instructions, to the Barons, to discharge the Officers of that Fine. And now I refer it to your Lordships judgments, Whether this be not to draw an Arbitrary Power to himself.

For the execution of this Power, it is true, it is proved to be before the Instructions in the Eighth year of the King; but then it riseth the more in judgment against him; for your Lordships have heard how he went into a grave Judge's Chamber, blaming him for giving way to a *Prohibition*, granting Attachments against one that moved for a *Prohibition*; and though this was done before the Instructions were granted, yet the Instructions coming at the heels of it, sheweth his disposition and resolution more clearly, for he acts it first, and then procures this colour to protect it: and though he pretends there was no proof, yet I must put your Lordships in mind, that when these things were in question, concerning the apprehension of a Knight, by a Sergeant at Arms, he kneels to His Majesty, *That this defect might be supplied, and this jurisdiction maintained, else he might go to his own Cottage.*

And here being the just commencement of his greatness, if you look to the second, it follows, *That at the publick Assizes he declared, That some were all for Law, but they should find the King's little finger heavier than the loins of the Law.* He did not say it was so, but he infused it as much as he could into the hearts of the King's

King's People, *that they should find it so*; and so he reflects upon the King, and upon his People; the words are proved: And to speak them in such a presence, and at such a time, before the Judges and Countrey assembled, they were so dangerous, and so high expressions of an intention to counsel the King, or act it himself, to exercise an Arbitrary Government, above the weight of the Law, as possibly could be expressed by words. And this is proved by five Witnesses, and not disproved, nor is any colour of disproof offered, but only by Sir William Pennyman, who says, *he heard other words*, but not that *he heard not these words*; If he doth, he must give me leave not to believe him; for five affirmations will weigh down the proof of a thousand negatives.

He stays not long in *England* with this Power (though while he stays, you hear how he vexes the Subject) but then he goes into *Ireland*, and as his authority increases, so he ampliates his design; and no sooner is he there, but the third *Article* is laid to his charge; That when the City and Recorder of *Dublin*, the principal City of *Ireland*, presented the Mayor, upon a solemn Speech and Discourse concerning the Laws and Liberties (as your Lordships know that is the subject matter of a Speech at such presentments, as when the Lord Mayor of *London* is presented to the King) I beseech your Lordships, observe the words he then used, *They were a Conquered Nation*, and that we lay not to his charge, *but they were to be governed as the King pleases, their Charters were nothing worth, and bind but during the King's pleasure*.

I am to seek, if I were to express an Arbitrary Power, and Tyrannical Government, how to express it in finer words, and more significant terms than these, *That the People shall be governed at the King's Will, that their Charters, the sinews and ligatures of their Liberties, Lands, and Estates, should be nothing worth, and bind no longer than the King's pleasure*, especially being spoken upon such an occasion, and the words proved by two or three Witnesses of Credit and Quality.

From thence we descend to *Articles*, that shew the execution of his purpose. There are three things a man enjoys by the protection of the Law, that is, his Life, his Liberty, and his Estate. And now, my Lords, observe how he invades, and exercises a Tyrannical Jurisdiction, and Arbitrary Government over them all three. I shall begin with the fifth *Article*, that is concerning my Lord *Mountnorris* and *Denwit*. My Lord *Mountnorris*, a Peer of that Realm, was sentenced to death by procurement of my Lord of *Strafford*; who, howsoever he pretends himself not to be a Judge in the cause, yet how far he was an Abettor, and Procurer, and Countenancer, and drawer on of that Sentence, your Lordships very well remember; he was sentenced to death without Law, for speaking words at a private Table, God knows, of no manner of consequence in the World, *concerning the treading upon my Lord of Strafford's Toe*; the Sentence procured seven months after the words spoken, and contrary to Law, and himself being put in mind of it, my Lord *Mountnorris* desiring to have the benefit of the Law, and yet he refusing it.

And then it was in time of Peace, when all the Courts of Justice were open, and to sentence a man to death of that Quality, my Lord of *Strafford* himself being present, an author, a drawer on of it, makes it very hainous. Your Lordships remember this *Article* was fully proved, and though he pretends His Authority by a Letter from His Majesty, I shall in due time give a full answer to that, so that it shall rise up in Judgment against him, to aggravate his offence, and that in a great measure.

Here he exercises a power over Life, his excuse was, *That he procured a Pardon for my Lord Mountnorris*; but the Power was exercised, and the Tyranny appeared to be the more; *He would first sentence him to death, and then rejoice in his Power*, that he might say, *There remains no more but my Command to the Provost Marshal to do execution*. To exercise a power over his life, and to abuse him afterwards, is very high; but no thanks to him that the Sentence of Death was not executed; it was the Grace and Goodness of His Majesty, that would not suffer my Lord *Mountnorris*, a Person of that Eminence, to be put to death against Law.

But the other was hanged, and as appears, against Law; and though my Lord pretends the party was burnt in the hand, yet that was not proved, nor material: and for him to do this in time of Peace, when the Courts of Justice were open, it argues a desire in his Breast, to arrogate a Power above Law.

1641.

And in truth I may not omit some observations that my Lord made this day; *He hopes His Majesty would be pleased to grant him a Pardon.* I perceive he harboured in his thoughts, that he might hang the King's Subjects when he would, and then get a Pardon of course for it. The Lord bless me from his Jurisdiction.

My Lords, give me leave to go back again, here is Power over the Lives and Liberties of the Subject; but he exercised likewise a Tyrannical Power over his Estate. Your Lordships may be pleased to remember the fourth *Article*, where he judges my Lord of *Cork's* Estate, in neither Church-land, nor Plantation-land, and therefore had no pretence of a Jurisdiction; for it is a Lay Fee devolved by Act of Parliament to the Crown; yet he deprives him of his possession, which he had continued for Twenty nine years, upon a Paper-Petition, without Rules of Law. And whereas my Lord of *Cork* went about to redeem himself (the Law being every man's Inheritance, and that which he ought to enjoy) he tells him, *He will lay him by the heels, if he withdraw not his Process*: and so when he hath judged him against an express Act of Parliament, and Instructions, and bound up a great Peer of the Realm, he will not suffer him to redeem that wrong, without a threat of *laying him by the heels, and he will not have Law nor Lawyers question his Orders*; and would have them all know, *an Act of State should be equal to an Act of Parliament*: which are words of that nature, that higher cannot be spoken, to declare an intention to proceed in an Arbitrary way.

The next was my Lord *Mountnorris's* Case, and *Rolstone*. And here I must touch my Lord with misrepetition. *Rolstone* preferred a Petition to my Lord-Deputy, my Lord-Deputy himself Judges his Estate, and deprived him of his possession, though he cannot produce so much as one example, or precedent (though if he had, it would not have warranted an illegal action) but he cannot produce a precedent, that ever any Deputy did determine concerning a man's private Estate; and if he hath affirmed it, he proved it not: some Petitions have been preferred to him, but what they be *non constat*. But though never any knew the Deputy alone to determine matters of Land, yet he did it.

To the Seventh *Article* we produce no Evidence; but my Lord of *Strafford* cannot be content with that, but he must take upon him to make defence for that which is not insisted upon as a charge; but since he will do so, I refer it to the Book in Print, where he determines the Inheritance of a Nobleman in that Kingdom, that is, my Lord *Dillon*, by a Case falsely drawn, and contrary to his consent; and though he deprives him not of his possession; yet he causes the Land to be measured out, and it is a danger that hangs over his head to this day. And had we not known that we had matter enough against my Lord of *Strafford*, this should have risen in judgment against him; but I had not mentioned it now, if he had not mentioned it himself.

The Eighth *Article* contains several charges, as that of my Lord Chancellor, *How he imprisoned him upon a Judgment before himself and the Council, how he enforced the Seal from him when he had no Authority; nay, though it were excepted by his Patent, that he should no way dispose of it*; but he looked not to Authority, further than might make way to his Will.

Another concerns the prime Earl of that Kingdom, my Lord of *Kildare*, whom he imprisoned, and kept close prisoner, contrary to the King's express command for his deliverance; and in his answer my Lord acknowledges it, but says, *That that Command was obtained from the King upon a mis-information*.

These things I would not have mentioned, if he had passed them over; but since he gives them in, give me leave to mention and say, we had a ground to put them into Charge, and could have proved them, if there had been need, punctually and expressly, and I believe, little to my Lord's advantage.

But your Lordships, I think, do remember my Lady *Hibbotts's* Case, where the Lady *Hibbotts* contracts with *Thomas Hibbotts* for his Inheritance, for 2500*l.* executes the Contract by a Deed, and Fine levied, deposits part of the Money, and when a Petition was exhibited to the Lord-Deputy and Council for the very Estate, your Lordships remember how this came in Judgment before my Lord-Deputy; there was but a Petition delivered, there was an answer made, and all the suggestions of the Petition denied; yet my Lord spake to *Hibbotts* himself, that was willing to accept the Money, *not to decline the way that he was in by Petition, Five hundred pound more will do him no hurt to carry into England with him*.

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and yet, without examination of a Witness, a Decree was made to deprive this Lady of her Estate: and the purchasing of this Land by my Lord of *Strafford*, was proved by two Witnesses, though not absolutely, yet by confession of *Sir Robert Meredith* and others, whose names were used in Trust for my Lord of *Strafford*, and that it proved according to my Lord of *Strafford*'s Prophecy: for the man had five hundred pounds gain above the Contract with my Lady *Hibbets*.

But after the Lands were sold for Seven Thousand Pounds: so that the Lady *Hibbets* offence was her making of a bargain, whereby to gain Five hundred pounds; but there was no offence in my Lord, to make a bargain for Three thousand pounds, and to gain Four thousand pounds presently: this you see proved by *Hibbets* the party, and by Mr. *Hoy*, the Son of the Lady *Hibbets*.

So that here is a determination of a Cause before the Council Table, touching Land, which was neither Plantation, nor Church-Land, without colour of the Instructions, contrary to Law, to Statute, to Practice; and if this be not an exercising of an unlawful jurisdiction over the Land and Estates of the Subject, I know not what is.

In his answer to this Case he did open it (yet whether he mistook or no I know not) that he had a Letter from the King, but he produces none in evidence; and that is another misrecital. I am sorry he should mis-recite, and fix it upon the Person of His Sovereign in a case of this nature.

Now he falls more immediately upon the Liberty of the Subject, and that is by the Warrant mentioned in the Ninth Article, to be issued to the Bishop of *Down and Conner*, whereby he gives power to him and his Officers, to apprehend any of the King's Subjects that appeared not upon Process out of his Ecclesiastical Courts, expressly contrary to Law; and your Lordships have heard how miserably the King's Subjects were used by this Warrant, as hath been proved by a Gentleman of Quality, *Sir James Montgomery*: and howsoever he pretends it was called in, it was three whole years in execution, before it was called in, and though he pretends his Predecessors did ordinarily grant Warrants of that nature, yet he proves no such thing.

My Lord Primate was examined, and he says, that Bishop *Montgomery* did tell him there was such a Warrant, and one Witness more speaks of one Warrant, and that is all the Witnesses produced, and that but to be a Copy too. Your Lordships have heard how he exercises his jurisdiction and power over particulars, and that in a numerous manner; now your Lordships shall find it universal, and spread over the face of that Kingdom that was under his jurisdiction, and that is in the tenth Article, which concerns the Customs: where he doth impose upon the King's Subjects a Rate and Tax against Law, and enforces them to pay it, or else punishes them for it; which is expressly an arrogating to himself of a jurisdiction above the Law.

My Lords, in his answer he pretends that *this is rather a matter of Fraud than otherwise*: in truth and so it is, and that a great one too. But as it is a fraud, a dis-service, and deceit to his Majesty, so it is likewise an exercise of a Tyrannical Jurisdiction over his Subjects. That it is a fraud to his Majesty, it plainly appears, for the King lost exceedingly by it; whereas before the Rent afforded the King was 11050 *l.* there was improved by the new Lease, that my Lord of *Strafford* took but 1350 *l.* and I beseech your Lordships observe how much the King lost by it; for my Lord had comprehended in his new Lease the Impost of Wine, for which the King before that time received 1400 *l.* a year; and likewise the Custom of *London-derry*, *Colerane*, and *Knockfergus*, for which the King had reserved 1700 *l.* a year, besides the moiety of the seizures: so here is 5000 *l.* that the King lost of the old Rent expressly: and if your Lordships please, observe the gain and benefit my Lord of *Strafford* made by it; in one year he and his sharers received 39000 *l.* and in the last year 51000 *l.* and that expressly proved upon two accounts: and if this be his dealings, where is his service to the King in his pretence to advance the Customs?

It is true, he says, *The King has five eighth parts*, but it was but within these two years, the King had it not before. And I would very gladly have heard whether the King received his part of an account of 55000 *l.* if he had received it, I believe we should have heard of it.

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1641.

My Lords, There is something more; here is a new imposition on the King's People without Law, and yet I will do my Lord of *Strafford* no injury: but I tell you how the proof stands; It was a Book of Rates framed before he came to the farm, for the Book of Rates was in *March*, and the date of his Assignment was in *April* following; and therefore my Lord saith, *It could not be for his benefit*. But, my Lords, all this while my Lord of *Strafford* was in *England*, and in agitation for the procuring of it, and they come one upon the heels of another, and I beseech you observe *cui bono*; the Book of Rates was procured within a month of the Patent, but God knows whether it were not within the compass of his intentions to take the Patent; and therefore whether he were not the Instrument of raising Rates, it rests in your Lordships Judgment, and all that hear me; I am sure the benefit redounded to himself: and so here is an Arbitrary Government in imposing and forcing to pay, for that I desire your Lordships to take with you; and he might as well have raised Nineteen shillings on a pound, as nine pence or three pence, by the same rule of Law.

The next *Article* in number was the Eleventh, and I would be glad my Lord had not mentioned it; it concerns the Pipe-staves, wherein he pretends he did the King great Service, and that, he says, *was the reason of our passing over it*: but that was not the reason; it had been a foul business if we had opened it; but having enough besides, we made not use of it: for the substance of the proofs by multiplicity of Witnesses had been, that the parties themselves that bought the Pipe-staves for Four pound odd money, were fain to sell them to his instruments for Six pounds, and after to buy them again for Ten pounds, else there must be no Licence to Export them: but that I would not have mentioned, if he had let it slip over.

I come to the Twelfth *Article*, and that is concerning the *Tobacco*, wherein he pretends *the King's Service*, and, if my memory fail me not, *the desire of the Parliament*, that he should take this into his hands for the King.

My Lords, Therein, under his favour, he hath mis-recited the Evidence, and spoken that he cannot justify; for he can shew no such desire of the Parliament. It is true, there was a desire of the Parliament, that the King would be pleased to take his Customs into his hands, for the advancement of his Revenue, that it might go to maintain himself, and he might not be abused, and others live by it; but to take the Tobacco into his hands, he never did, nor can produce a Witness to prove such their desire; and therefore, under favour, he fixes a wrong upon the Parliament, and injures your Lordships by his reciting that he neither did nor can make good; for there was no such thing.

But if you observe the course he takes, he makes Proclamation to hinder the importing of *Tobacco* into *Ireland*; that if it be imported, it must be sold to him at his own rate; and by these means he first hinders the liberty of the Subject from doing what the Law allows him, and so takes on him an Arbitrary Power; And Secondly, he ingrosses this commodity to himself, deceiving His Majesty, to whom he professeth so much fidelity; for whereas there is 5000 *l.* Rent to the King, he, by the computation of Merchants, receives near 14000 *l.* a year: And because their computations are not alwayes true, I do not care if I allow him 40000 *l.* mistaken, and then he will gain near 100000 *l.* so that if he intends the King's benefit, it is wonder he told not his Majesty of the great profit that might thereby have risen, and let him partake of it, as in Justice he should have done, according to the Trust reposed in him: but you have heard of no such matter. And surely my Lord of *Strafford* would not have omitted it, if it had been for his advantage, especially in this presence, where he omits nothing to clear himself, or to insinuate with his Majesty.

Now I come to the Thirteenth *Article*, the *Article* concerning Flax, which I know is fresh in your Lordships memories, and I believe will be so in the memories of the Subjects of *Ireland* for many years, how he ingrossed it into his hands, and interrupted the Trade of the poor people, whereby such miseries and calamities befell many of that Nation, that as you have heard it proved, thousands dye in ditches for want of Bread to put in their mouths. And whereas he pretends

tends that this was proved but by one Witness, and that man to be imprisoned, and of no Credit, though he was his own instrument; your Lordships remember Sir *John Clowmorthy* his testimony, and anothers, and his own Warrant produced, and acknowledged here to justify the execution of it, and such a thing was thereby taken into his own hands, that I profess I never heard the like, that the poor people should be constrained to use their own as he pleased, and that pleasing of himself laid an impossibility on the people to execute his pleasure, which was a bondage exceeding that of the Israelites under the Egyptians; for there was not laid so much upon the Children of *Israel*, but there was a possibility to perform; they might with much labour perchance get stubble to burn their Brick, but the Natives here must have a charge laid upon them without possibility to perform, and the disobedience must cost them no less than the loss of their Goods, which drew with it even the loss of their lives for want of bread. This was not proved by only one Witness, but by many. And your Lordships remember the remonstrance of that Parliament of *Ireland*, which declares it to a greater height than I have opened it.

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The Fifteenth *Article*, is that of *Levying War upon the King's Subjects*, expressly within the Statute of 25 *Edw.* 3. and 18 *H.* 6. Your Lordships have heard the Warrant proved by the party himself, to whom it was directed; whereby Power was given to lay Soldiers upon any party, that did not obey my Lord of *Strafford's* Orders at the Council-Table, but not to circumscribe him to a certain number; but the Sergeant at Arms and his Ministers, might lay as many as they would. It is true, this Warrant was not it self produced, but a copy was offered, which was not read; and therefore I will not offer it to be proved, but the party that executed the Warrant it self, proves it to be under the Hand and Seal of my Lord of *Strafford*, he proves the express authority of it, which was to the effect I opened; three or four more, who saw and read it, proved the same: and that it was under the Hand and Seal of my Lord of *Strafford*, that accordingly it was executed upon divers of the King's Subjects; it was proved by three Witnesses expressly in the point, how by colour of this Warrant the Sergeant at Arms, and his Officers, sent Soldiers to lye in the Houses and Lands of the King's Subjects; how the Owners were thereby forced out from their own Habitation; how their Goods were wasted and devoured, their Corn and Victuals eaten up, and the Soldiers never left them, as long as any part of their Estates remained to maintain them.

My Lord of *Strafford's* defence is, *That it hath been used before his time in Ireland*; wherein he hath again misrecited; for he did not offer a proof, nor a particle of a proof, that ever any man did know Soldiers laid upon any party, for refusing to appear to a Warrant, or for other contempt at Council-Table, before himself did it; but he offered to prove, *That formerly Soldiers were sent against Rebels, and that after they were declared to be Rebels, and that justly too*; and he proved an use and custom to force men to pay Contribution-money, due to the King, but that was by consent of the people, who granted a Contribution of 20000 *l.* a year, for increase of the King's Revenue; and that it might not be upon Record in the *Exchequer*, and so claimed as due in time to come, they consented, that Soldiers should be laid upon them that refused it; and the word (*Consent*) is within the Statute of 18 *H.* 6. Again, did he prove all manner of Rents were levied by Soldiers? no such thing; but such Rents as were designed for the payment of the Army: he proved by Sir *Arthur Terringham*, the laying of Soldiers once for the payment of a sum of Money; but Sir *Arthur* being demanded whether it were the King's Rents, or comprehended within the same general Rule, he could make no answer thereunto.

Your Lordships remember, he says, *He did not know it, and therefore probably it was the King's Rents*; and doubtless it was so.

But if he had produced Precedents, it could not be an authority for Treason, that if people did not appear to his Orders, he must levy War against the King's Subjects; and for his extenuation of the War, that the same was of no great danger, there being not above five or six Soldiers laid at a time. I would to God, the people oppressed by it, had cause to undervalue it: I am sure four or

1641.

six Musketeers are as strong to oppress a man, as four thousand; so the matter of Fact is strongly and expressly proved. Besides, though there came not above four or five to a house, yet the authority given to the Sergeant was general; he might have brought more if he had listed: and in truth, he brought as many as the Estate of the party would maintain.

And as to the not producing of the Warrant, I have already answered it. If it were in the Case of a Deed wherein men call for Witnesses, it were something; but God forbid that the Treason should be gone, and the Traytor not questionable, if his Warrant can be once put out of the way.

The next *Article* which is laid to his Charge, is, *For issuing out a Proclamation, and Warrant of restraint, to inhibit the King's Subjects to come to the Fountain,* their Sovereign, to deliver their complaints of their wrongs and oppressions. Your Lordships have heard how he hath exercised his jurisdiction, and now he raises a battery to secure and make it safe. If he do wrong, perhaps the complaint may come to the Gracious Ears of a King, who is ready to give relief, and therefore he must stop these cries, and prevent these means, that he may go on without interruption; and to that end he makes Propositions here, *That the King's Subjects in Ireland should not come over to make complaint against Ministers of State, before an Address first made to himself.* It is true, he makes a fair pretence and shew for it, and had just cause of approbation, if he intended what he pretended; But as soon as he came into *Ireland*, what use made he of it? he ingrosses the proceedings of almost all the Courts of Justice into his own hands, and so pre-possesses the King by a colourable proposition, and prevents their coming over before they had made their address to himself, and then he becomes the wrong doer, and issues Proclamations for the hindring of the King's Subjects to seek redress without his leave; which is as great a proof of his design, and as great an injury to the people, governed under a Gracious Prince, as a heart can conceive. And what his intention was in exhibiting this Proposition, it will appear in the sentence of a poor man, one *David*, who was censured, and most heavily Fined for coming over into *England* to prosecute complaint against my Lord of *Strafford*. It is true, that this was not the cause expressed, but this was the truth of the matter. Your Lordships remember a clause in the Order at Council-Board, whereby is set forth the cause wherefore the party is not Sentenced, which I never saw in an Order before, nor should now, but that my Lord foresaw there was danger in it, that he might be charged in this place for the fact; and therefore puts in negatively, why the party was not censured, *Clausula inconclusa inducit suspicionem*. And how defends he this Article? he says, *his predecessors issued Proclamations to hinder the King's Subjects from going over, lest they should joyn with O-Neal, and Tirconnell beyond Sea, and so it might be dangerous to the State*; but because they may joyn with Forraigners, shall they therefore not come to the King to make just complaint? What this argument is, I refer to your Lordships judgments.

Then he pretends a former precedent, affirming that the like instructions were given to my Lord of *Faulkland*; but was there any, that none should come to their Sovereign, to make their just appeal if injured? Surely there was never any such Instruction before, and I hope never will be again.

The next *Article* is the Nineteenth: and now when he had so plentifully exercised his Tyranny over the lives, the liberty, and the Estates of the King's Subjects; A man would think he could go no further: But see a Tyranny exercised beyond that, and that is over the Consciences of men: hitherto he dealt with the *outward man*, and now he offers violence to the *inward man*, and imposes an Oath upon the King's Subjects, and so exerciseth a Tyranny over the Consciences of men.

And setting aside the matter of the Oath, if he hath authority and power to impose such an Oath, as he shall frame, he may by the same power impose any Oath to compel Consciences.

He pretends a Warrant from his Majesty to do it, but the King's Ministers are to serve the King according to Law; and I dare be bold to say (and we have good reason to thank God for it) if any of the King's Ministers tell him, that any

any Command he gives is against Law, there is no doubt but in his Goodness and Piety, he will withdraw his Command, and not enforce execution; and therefore if there were an Error, the King is free, and the Ministers to be justly charged with it.

But there was no Command from the King to compel and enforce them to take the Oath by the Power of the Star-Chamber, to commit them to Prison, to impose heavy Fines, and tyrannize over them; all which he did in the Case of *Steward*.

And now one would have thought he had acted his part, when he had acted as much as lay in his own Power; and yet he goes beyond this, he was not content to corrupt all the streams (which was not a diverting of the course, as he spoke in his Answer; for he not only turned the course of the water, but changed the nature of it, converted it into poyson, a legal and just proceeding into a Tyrannical and Arbitrary Government, which is not turning, but corrupting of the clear and Chrystal streams to bitterness and death.) But yet the Fountain remains clear, and perhaps when his hand is taken off, you shall have the streams run as pure and uncorrupt as ever they did. This is it troubles him, remove but this obstacle, and the work is perfect; and therefore now he will go about to corrupt the streams: if he can but infuse his poyson into the King's heart, which is the Fountain, then all is done; and now he attempts that, and approacheth the Throne, endeavours to corrupt the King's Goodness with wicked Counsels; but God be thanked he finds there too much Piety to prevail.

And therefore the next *Article* is that, that charges him to be an *Incendiary* to the War betwixt the Two Kingdoms: and now I shall be bold to unfold the mystery, and answer his Obiection: *To what purpose should he be an Incendiary? were it not better to enjoy his Estate in peace and quietness, than have it under danger of a War?* Now your Lordships shall have the Riddle discovered.

The first thing he doth after his coming into *England* is, to incense the King to a War, to involve two Nations of one Faith, and under one Sovereign, to imbrue their hands in each others Blood, and to draw Armies into the Field.

That he was this *Incendiary*, give me leave to revive your Lordships memories with the proofs which will make it plain; and first give me leave to note unto your Lordships, that His Majesty, with much Wisdom, did in *July 1639.* make a pacification with his Subjects, and even at the very heels of this pacification, when all things were at peace, upon the Tenth of *September*, which was the next month but one, your Lordships remember the Sentence of *Steward* in the *Star-Chamber of Ireland*, for not taking the Oath; your Lordships may call to mind the Language my Lord of *Strafford* was pleased to use to the *Scots*: when all was in quietness, he then calls them *no better than Traytors or Rebels*, if you will believe what the Witness testifies, whom my Lord is pleased to call a Schoolmaster: And truly admit he were so, *because he is a Schoolmaster, therefore not to be believed*, is a *non sequitur*. And another Witness, one *Loftus* speaks to the words, though not in the same manner; but I say, the Tenth of *September*, when things were at peace and rest, when the King was pleased to be reconciled to them by that Pacification, what boiled in his breast then, to the breaking forth of such Expressions, I know not, unless it were an intention to be an *Incendiary*.

My Lords, I must say and affirm, and he hath not proved it to the contrary, That all this while (I am confident) there was not any breach of the Pacification on either side, and it lyes on his part to prove there was: But the Parliament of *Scotland* then Sitting, and making preparation for their Demands in pursuance of the *Articles* of Pacification, he coming over into *England* in *September*, immediately upon the Pacification answers, *That he found things so distracted here, that it was fit the Scots should be reduced by force, if they could not be otherwise*: yet no breach appears, no War was denounced, there was no intention of a War: but see what harboured in his Breast all the while.

The Fourth of *December* following, my Lord *Traquaire* made his relation to the Council of the *Scots* proceedings: and all this while there was no Demands brought by the *Scots* themselves, nor reason of their Demands brought by others, though they were not prepared; yet you have heard his advice was for an *offensive War*, and that the Demands were a just cause of the War. And though he pretends he said no more than what the rest of the Lords of the Council concurred with him in, I

1641.

will joyn in issue with him in that, and if some of your Lordships be not satisfied, you have many Noble Lords among you, from whom you may be satisfied that it is not so; I am sure he proves it not. It is true, in the proposition of the Demands, some of the Lords of the Council did say, *That these Demands hypothetically, if the Scots did not give satisfaction by their Reasons, were a just cause of War*; but not any Lord of the Council was of that opinion, That the very Demands, positively, without hearing of the Reasons, were a just cause of War, but himself; and I believe the Noble Lords of the Council, their Consciences can tell them, and I believe will deliver it to the rest of the Peers, that I speak truth.

For the *Offensive War*, he pretends a concurrence of the rest, but it was disapproved; many were for it upon these terms, *If they did not give Reasons, and shew just cause for their Demands*; and many were against an *Offensive War upon any terms*, and therefore herein he fixes that upon the Lords of the Council, which he cannot make good.

All this while his intentions are discovered by a matter precedent, but after the breach he discovers his anger further towards the *Scottish Nation*, and makes it his design to incense the King to this War.

My Lords, he is not at end yet, for he confesses himself that *he advised the King to call a Parliament*; and now I come to his *work of merit*, but it was to his destruction, and serves to prove this *Article* directly; for to what purpose was this Parliament called? *Exitus acta probat*; it was no sooner set, but within three Weeks a proposition is made for *supply towards a War against the Scots*: who was the cause of calling the Parliament? himself; and therefore who was the cause of this Proposition but himself? and so the calling of the Parliament is a concurring evidence of his being an Incendiary to put on the War; and it shall appear anon absolutely, that he was the occasion of it, though he thinks there be no proof of it.

Did not he go over into *Ireland*, and by his solicitation there, Subsidies were granted by the Parliament, only, *to maintain this War, and to shew their ingagement in it*? and who was the occasion of drawing them on, I refer to your Lordships judgments, by the circumstances precedent.

Your Lordships heard his good opinion of the *Scots*, when he began to discourse with the Citizens touching Money, and their affording of the King supply, and seizing the Mint, by giving them no better expositions than *Rebels*; for, saith he, *you are more forward to help the Rebels here, than to pay the King his own*: I know not who he meant, but certainly the *Scots* were in his thoughts; so that from the beginning he incensed the War against them: First, *he exclaimed against them during time of Peace*. He alledges in his Answer, *That things were found in such distraction, that it was fit the Scots should be reduced by force*: he gave advice precipitately without hearing the reasons, and not concurrent to the Council, for an *offensive War*; and putting all together, I refer it to your Lordships judgment who is the Incendiary; for how can it be proved more clearly, unless it should appear under his Hand and Seal, proved by two or three Witnesses?

Now, My Lords, how comes this to be his design? here the Mystery comes to be unfolded. Having thus incensed to the War, and engaged the King to the uttermost, and having a Parliament now dissolved without supply, he sets up an *Idol of his own creation*, as a means to draw on his design, and that was necessity; necessity, is it that must enforce the King: what to do? to levy Money, to use his Prerogative, to raise supplies upon His Subjects without their consent, against their Will, necessity must be his Argument, and this War must be the occasion of that necessity, and without that, he cannot suggest to the King's ear, or advise this necessity, till this be brought to pass.

And now he hath brought it to pass, he began in the One and twentieth, Two and twentieth, and Three and twentieth Article, to perswade the King, that *Necessity hath surprized him, by the Parliaments deserting of him*; that the *Parliament had forsaken the King, in denying Supply, and having tryed the affections of His People, he was loose, and absolved from all Rules of Government*; and had an *Army in Ireland which he might employ, to reduce this Kingdom*.

That he spake these words to the King, part is proved by two concurrent Witnesses, that is, *that having tryed the affections of his People, he was now loose, and*
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absolved from all Rules of Government; which words are proved by two Witnesses of eminent quality, that is, my Lord of Northumberland, and Sir Henry Vane: and truly, howsoever my Lord in his Speech pretends, that *the most material words are proved but by one Witness*, (it seeming that he held it not a material charge, that he counselled the King that he was absolved from all Rules of Government) for my part, if your Lordships be satisfied these words were proved, I could willingly satisfy my own Conscience in it, and make no great matter to quit the rest; for I know not how he could express it in higher terms, than that *the King was absolved from all Rules of Government*, for then he might do what he would.

1641.

It is true, the latter words, *touching the Irish Army*, are expressly proved but by one Witness, Mr. Secretary Vane; but are fortified again with such circumstances as make up more than one, yea, more than two other witnesses, if your Lordships will have the Patience to have it represented, as it is proved.

For howsoever it be slighted by him, if your Lordships will call to mind the words of Sir George Ratcliffe, *his bosome Friend*, (to whom he had contributed, without question, his advice in all causes) the said Sir George Ratcliffe expressed it before, and told some of his Friends (supposing that he never should be called in question, and that the power of my Lord of Strafford had been enough to protect any thing he had done, and out of the abundance of the heart his mouth spake) *the King must now want no Money; if he did, no body would pity him, now he had his Sword in his hand*.

Sir Robert King proves it so. My Lord Ranelagh discovered the smoke of the fire that he had just cause to suspect, and on good grounds, I am sure; and if the Commons of England had not just cause to suspect him, (as I believe he is convinced they had good cause) what is the reason this suspicion should be entertained at that time, my Lord of Strafford being not then questioned for it? and yet my Lord Ranelagh should say, *Shall we turn our Swords upon our own bowels? Shall we bring this Army to turn the points of our blades upon that Nation from whence we were all derived?* and that was before any conference with Mr. Secretary Vane.

Sir William Pennyman himself, his own Witness and Friend says, at York, before my Lord of Strafford was questioned, *that there was a common fame of bringing the Army into England*, and there is something in that surely; and after all this, to produce one Witness that expressly proves the very words spoken *in terminis*, as they be charged, if your Lordships put the whole together, see whether there be not more than one Witness.

And, under favour, my Lord Cottington, if you call to mind his Testimony, I must justify, he did declare, That he heard my Lord of Strafford tell the King, *That some reparation was to be made to the Subjects Property*; which must infer, *he had advised an Invasion upon the Property*; else by no good coherence should a reparation be made. And that he testifies this, I must affirm, and most here will affirm it; and I think your Lordships well remember it: and that is an addition to it; for if your Lordships cast your eye upon the Interrogatory administered to my Lord Admiral, and my Lord Cottington, that very question is asked; so that his own Conscience told him, he had advised something to invade upon the People, when he advised to a *restitution after things should be settled*: and so I refer it to your Lordships consideration, whether here be not more than one witness by far.

It is true, he makes Objections to lessen this testimony; First, That *this Army was to be landed at Ayre in Scotland, and not here*; and this was declared to Sir Thomas Lucas, Mr. Slingsby, Sir William Pennyman, and others. Secondly, That *others that were present when the words are supposed to be spoken, did not hear any such words*.

For the first; Perhaps the Army might be originally intended for Scotland, and yet this is no contradiction, but he might intend it afterwards for England; surely this is no Logick, that *because it was intended for one place, it could never be intended for another place*; so his allegation may be true, and the charge stand true likewise.

Beside, that it was intended originally for Scotland, what proof makes he? He told several persons of the design, but I will be tryed by himself, he told some, *it was for Scotland*; he told others, *it was for England*; and why you should believe his telling on one side, more than on the other side, I know not; though he pretends

1641.

a reason of his several allegations, that *the world should not know his design*; but if you will not believe him one way, why should he be believed the other way? and if not the other way, why the first way?

For the Second, *Several persons were present, when the words were spoken touching the Irish Army, and they were examined, and remember not the words*; but one man may hear, though twenty do not hear; and this is no contradiction at all: for those persons whom he examined, the Lord Treasurer, Marquis Hamilton, my Lord Cottington, did not hear the words that are proved by two Witnesses, concerning the *Kings being loose and absolved from Rules of Government*: and if they did not hear those words, no marvel they did not hear the other: and therefore that which he himself pretends to be a convincing testimony, is nothing at all; so that his objections are clearly taken away, and the single testimony fortified with testimonies that make above one witness, and so the words are fully proved.

But to fortify the whole, I shall handle all these *Articles* together; This design to subvert the Law, and to exercise an Arbitrary Power above the Law in this Kingdom, will (upon the proofs putting them all together, and not taking them in pieces as my Lord of *Strafford* hath done) appear to have been harboured in his thoughts, and settled in his heart long before it was executed.

You see what his Counsels were, *That the King having tryed the affections of his People, was loose and absolved from all Rules of Government, and might do every thing that power would admit; and His Majesty had tryed all ways, and was refused, and should be acquitted of God and Man; and had an Army in Ireland, wherewith if he pleased he might reduce this Kingdom*: so there must be a trial of his People, for Supply that is denyed, which must be interpreted, a *Defection by refusal*, and this refusal must give advantage of necessity, and this necessity must be an advantage to use his Prerogative against the Rule of the Law, and consent of the People; this is his advice, which shews that this very thing that happened, did harbour in his thoughts long before the breach of the Parliament, and the occasion of the Army.

Your Lordships have heard it confessed by himself, *That before this last advice, he had advised the calling of a Parliament*: To the Parliament a proposition, of Twelve Subsidies was made for supply, and (which may be spoken with great assurance) before they had consulted, or given any resolution to that proposition, the Parliament was dissolved, upon a Supposal that the Supply was denied. Now that this was pre-designed by my Lord of *Strafford* himself, I beseech you observe these things following, that is, *The words in the Two and Twentieth Article, That His Majesty was first to try the Parliament, and if that did not supply him, then he would serve the King any other way.*

His words are proved by Mr. Treasurer, *That if the Parliament supplied him not, he would serve him any other way*; and this is before the Parliament set: now if your Lordships hear the proofs of my Lord Primate, (which my Lord of *Strafford* slights taking it singly) my Lord Primate before the Parliament was called, when my Lord of *Strafford* was in Ireland, and not yet come into this Kingdom, testifies, my Lords, saying, *That if the Parliament will not supply His Majesty, the King was acquitted before God and Man, if he took some other course to supply himself, though against the will of the Subjects.* I beseech your Lordships, observe how he prophesies these things must come to pass, and advised them accordingly.

My Lord *Conway* testifies, that before the Parliament fate, my Lord of *Strafford* said, that *if the Parliament would not supply His Majesty, the King was acquitted before God and Man, if he took another course to supply himself, though it were against the will of the Subject, and he doubts not but the Parliament would give, What? Twelve Subsidies*: and your Lordships very well remember, Twelve were propounded; but I beseech you, observe the coherence of all; the Parliament must be called, they must be tryed, if they deny there is necessity, and this necessity is a Warrant for the King to proceed; so that my Lord of *Strafford* must be judged to be either a Prophet, or to have this design beforehand in his thoughts.

Now the Parliament being broken before answer to the Demand given, he vents his Counsel in the Three and twentieth *Article*, and how far it is proved, your Lordships have heard. Now comes the *Bullion to be seized, the Copper-money to be advised*, and now comes he to tell the King, that the *Aldermen of London*

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must be put to Fine and Ransome, and laid by the heels, and no good would be done till some of them be hanged, so you hear his advice; I beseech your Lordships observe what success this advice took; Four Aldermen were instantly committed, and then the Counsel of the Three and twentieth Article is fomented.

1641.

First, He fomented the War, then there is a necessity, the defection of the Parliament must set the King loose from rules of Government, and now see whether the occasion of the War, the calling of the Parliament, the dissolving of it, be not adequate to what he propounded to himself, namely, to set up an Arbitrary Government.

Your Lordships remember how fresh my Lord of Bristol's memory is, touching my Lord of Strafford's opinion upon the dissolution of the Parliament; how he declared unto my Lord of Bristol instantly within three or four dayes after, *That the King was not to be mastered by the forwardness of his people, or rather of some particular persons*; and your Lordships remember Sir George Wentworth's words spoken the very day of dissolving the Parliament; which may be very well applyed as a concurrent proof to his intentions of bringing the Army into England. He was my Lord's own Brother, that knew much of his Counsel, and his words are, *That the English Nation would never be well till they were conquered over again*. So my Lords, put all together, if he declared his own intentions, if actions, in executing this Tyrannical and Arbitrary Power, if Counsels of as dangerous consequence, in as high a strain as can be, be not a sufficient Evidence to prove an intention, and desire to subvert the Law, I know not what can prove such an interpretation: and now I refer it to your Lordships judgments, whether here be not a good proof of the Article laid to his Charge.

My Lords, in the Seven and Twentieth Article, he is charged with levying of War upon the King's People, by forcing them in Yorkshire to pay Money; to prove they were so forced, you have heard by two Witnesses, that Sergeant-Major Taworth, by Musquetiers, four together in the Town, and one by one out of the Town, did compel them to pay the fortnights contribution, else they were to serve in person: That he did this by Warrant, is likewise confessed by Sir William Pennyman: and whether this were an authority derived from, or commanded by my Lord of Strafford, that is the question; and my Lords, it is plainly proved, that it was commanded by my Lord of Strafford, for Sir William Pennyman himself being examined, alledged that the Warrant was made in pursuance of the relation, and direction made by my Lord of Strafford.

Your Lordships heard what my Lord of Strafford did say before-hand, as is proved by two Witnesses, (Sir William Ingram and Mr. Cholmley) that this Money should be paid, or levied on the Subjects Goods; Then his Declaration to Sir William Pennyman, (in pursuance of which he made his Warrant) that it was the assent of the Lords of the great Council, that this Money should be levied; and taking all together, whether it fixes it not upon him to be the Author and Instrument, it rests in your judgments in point of Fact: and so I suppose the Seven and twentieth Article rests on him, and so I shall conclude the Evidence produced on the behalf of the Commons.

And now give me leave to put your Lordships in mind of some Evidences offered by my Lord Strafford himself in his Answer, and in the passages of his Defence, for his clearing and justification, but tending directly to his condemnation.

I will enter upon some passages he mentioned to day, and often before; When he is charged with invading the Estates of the Peers of the Kingdom of Ireland, and determining them upon Paper Petitions in an Arbitrary way: your Lordships have heard him speak it before, and repeat it this day, *That he did it out of Compassion, for the more expeditious proceeding on behalf of the poor against these mighty*: But then my Lords, I beseech you, compare some other part of his Proceedings. Your Lordships remember the business of the Flax, which concerns the poor wholly and universally; and if compassion had been the rule and direction of his Actions towards the poor, surely this would have been a just cause to have commiserated them in this case; but he exercised his power over them, and over them wholly, and over them universally: and therefore it shews, it is not his compassion to the poor, nor respect to the rich, or mighty, that will any way restrain

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1641.

or contradi his ways, to his own Will. And therefore you may see what truth there is in his answer, by comparing one part of the Charge with another, when the business of the *Flax* brought that calamity upon the King's Subjects, that Thousands of them perished for lack of Bread, and dyed in Ditches.

Secondly, Your Lordships have often heard him use a Rhetorical insinuation, wondring that he should be charged with words, and they strained so high as to be made Treason, to question his Life and Posterity, though the words might be spoken unadvisedly, or in discourse, or by chance: Your Lordships remember the Fifth Article, touching his proceedings against my Lord Mountnorris, where words were spoken in an ordinary discourse at dinner, and slight ones, God knows, of no consequence at all, such as another man would scarce have hearkened after, and yet my Lord extends them to the taking away of my Lord Mountnorris his life; gets a Sentence of Death against him, and that against Law, with a high hand, in such a manner, as I think your Lordships have not heard the like; and therefore I beseech you, compare one part of his Answer with another, and see how ready he is to make use of any thing that may excuse himself; and yet when he comes to act his power, you see his exercise of it.

You have heard how he magnifies his Zeal for advancing the King's Benefit and Revenue, and his care of his Service, and would shelter and protect himself under it, to justify an exorbitant action: but if your Lordships call to mind the business of the *Customs for Tobacco*, (which in truth were the King's right and due, and a great profit was thereby advanced; and he trusted to advance it.) The King must loose of his former Rents in the case of Custom, and received a small Rent in the case of *Tobacco*, my Lord himself in the mean time imburfing such vast summs of Money: where is then the discharge of his Trust? where is his care to advance the King's Rents? to increase his Revenue? Compare that part of his Answer with this, and see what credit is to be given to his affirmation.

My Lords, throughout the passages of his discourse he insinuates, (and never more than this day) with the Peers of the Realm, magnifying them almost to Idolatry; and yet my Lords, when he was in his Kingdom in *Ireland*, and had power over them, what respect shewed he then to the Peers of the Kingdom, when he judged some to death, trampled upon others in misery, committed them to prison, and seized on their Estates; where then was the Peerage he now magnifies?

And to shew it was an insinuation for his own advantage, you may remember, when there was an unlawful Act to be committed, that is, the levying of Money in the North, What regard had he then to the Peers of the Kingdom, when he comes to justify and bolster up High-Treason it self, under the name and authority of the great Council, where most of the Peers of the Realm then were? and so by this time I know what credit your Lordships give to his words spoken, when he lies under your Mercy and Power: but what do I speak of the Peers of the Kingdom, and his using of them? My Lords, he spared not his Sovereign, His Majesty in His whole Defence; for being charged with offences of a high nature, he justifies those offences under the pretence, and under the authority of His Majesty, our Gracious King and Sovereign, even Murder it self, in the Case of *Denwitt*, and my Lord Mountnorris. Treason it self in the Fifteenth Article by a Command in *Ireland*, and in the Seven and twentieth, by a pretended authority from His Majesty in the face of His people; he justifies my Lord Mountnorris his sentence by a Letter from his Majesty, *Denwit's* Sentence by a Commission from his Majesty, and he read three or four clauses to that purpose.

My Lords, my Lord of *Strafford* doth very well know (and if he doth not know it, I have a Witness to produce against him, which I will not examine, but refer it to his own Conscience, that is, *The Petition of Right*) that the King's Servants are to serve him according to Law and no otherwise: he very well knew if an unlawful act be committed, especially to a degree of Treason and Murder, the King's Authority and Warrant produced, is no justification at all. So then, my Lords, to mention the King's name, to justify an unlawful act in that way, can do him no good; and his own understanding knows, it may do the King harm, if we had not so Gracious a King, that no such thing can do harm unto.

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But, my Lords, to produce the King's Warrant to justifie his actions under his Patent and Command, what is it else, but so far as in him lies, in the face of his people, to raise a cloud, and exhale a vapour? To interpose betwixt the King and his Subjects whereby the splendor of his Glory and Justice cannot be discovered to his people?

My Lords, what is it else, when the people make complaint against the Ministers (that should execute Justice) of their oppression and slavery, and bondage? For the Minister, when he is questioned to justifie this under the King's Authority, what is it, I say, but as much as in that Minister lies, to fix this offence, to fasten this oppression upon the King himself, to make it to be believed, that the occasion of these their groans proceeded from his Sacred Majesty? yet God be thanked the strength of that Sun is powerful enough to dispel these vapours, and to disperse the cloud that he would have raised; but in the mean time, my Lord is nothing to be excused.

My Lords, he may pretend zeal to the King's Service, and affection to His Honour, but give me leave not to believe it, since, when he is questioned by all the King's people, and in the face of his people, and offences laid to his charge, which himself now confesses to be against Law; he should justifie it under the King's authority; that favours not of a good servant: I will say no more.

My Lords, he is charged with exercising a tyrannical power over the King's people, and in his Defence your Lordships have often heard (and I may not omit it) that he shelters himself under the protection of the King's Prerogative, though he be charged with Tyranny of the highest nature that may be: see then how foul and malignant an aspect this hath. My Lords, what is it else, but to endeavour, as much as in him lies, to infuse into the King's heart an apprehension, that his Prerogative is so bottomless a Gulf, so unlimited a Power, as is not to be comprehended within the Rules of Law, or within the bounds of Government? for else why should he mention the Prerogative, when he is charged to exceed the Law? What is it else, but as far as in him lies, to make the people believe (for I may not forget the words he hath used) *by his magnifying of the Prerogative, that it hath a special stamp of Divinity on it*; and that the other part of the Government that God pleases to put into the King's hands, had not that stamp upon it? as if any thing done by one, was to be justified by authority derived from Heaven, but the other not.

These expressions your Lordships remember; and I may not omit to put your Lordships in mind of them; and I can expound them no otherwise than, as much as in him lies, to make the Subject believe and apprehend, that which is the buckler and defence of his protection, to be the two-edged sword of his destruction, according to the Doctrine he Preached; and that that which is the Sanctuary of their Liberty, is the Snare and Engine of their Slavery. And thus he hath cast a bone of contention, as much as in him lay, betwixt King and People, to make the Subjects loath that glorious Flower of his Crown, by fixing a jealousy in them, that it may be a means of their Bondage and Slavery.

But there is so much Piety and Goodness in the King's Heart, that I hope, upon fair understanding, there will be no such occasion; but no thanks to the party, that so much advanced the Prerogative in the case and condition he stands in, to justify that which is laid to his Charge of High Treason.

My Lords, I beseech you give me leave; there is no greater safety to King and People, than to have the Throne incircled with good Counsellors; and no greater danger to both, than to have it encompassed with wicked and dangerous ones; and yet I beseech you call to mind, how he hath attempted to deprive the Subject of all means to discover this danger, by insinuating to your Lordships, *what a dangerous thing it were, if Counsellors should be called in question for giving of Counsel: for who then (saith he) would be a Counsellor? where is your safeguard? where is the King's service?* Is not this, as much as in him lies, to deprive the People of the means whereby they must make themselves happy, and whereby the King must be happy, that is, by his having good Counsellors about him? and yet he infuses that venom, that *the questioning of Counsellors is dangerous both to King and Peers, if it should be brought into Example*. My Lords, for many years by-past, your Lordships know an evil spirit hath moved amongst us, which in truth hath been made the Author and ground of all our distractions, and that is necessity

I 6 4 I.

necessity and danger : this was the bulwark and the battery that serves to defend all exorbitant actions ; the ground and foundation of that great invasion of our Liberties and Estates, the judgment in the Ship-money, and the ground of the Counsel given of late to do any thing, and to perswade the King, *That he was absolved from all Rules of Government* ; and yet your Lordships have observed in the course of his Defence, how often he hath *raised this spirit, that God be thanked hath been laid*, to the great Comfort of King and Kingdom, by your Lordships, and all the Commons in Parliament. And when he stands under this question, and goes about to justify his exorbitant actions, how often hath he created this Idol again ? and therefore I am afraid he discovers too much his own heart in it.

My Lords, I may not omit some other passages in his Defence, *How he hath cast Scandals upon three Nations in this place* ; that is, in his first day of Defence, when the *Irish Remonstrance*, made by all the Commons of *Ireland*, was produced by the Commons of *England* ; he expressed in a passion, *that things were carried against him by Faction and Correspondence, and (if he had time he would make it appear) with a strong Conspiracy*. Here is a scandal cast upon the Parliament of *Ireland*, with a reflection on the Commons of *England* ; howsoever, it is true, your Lordships may remember the recantation he made that day, which I will not omit, desiring not to lay any thing to his charge but what is true ; but it is the reflection of a scandal that I cannot omit to put your Lordships in mind of ; and the rather, because this Remonstrance, presented from the Parliament of *Ireland*, did bear date before my Lord of *Strafford* was charged here, which is very remarkable, *viz.* the 7th of *November* ; and therefore, though he pretends a correspondence, certainly there could be none then, for he is not charged here till the Tenth.

And the same day, justifying a Sentence in the Castle-Chamber, your Lordships remember he affirmed, *that unless a strict hand were kept upon the Nation there, they would find it hard to prevent Perjury, one of the most crying Sins in Ireland*. Now to lay an aspersion upon the Subjects of *Ireland*, being under the Government of the same King with us, how fit this is to be done by a man in that condition that my Lord of *Strafford* is, I refer to your consideration.

Another passage I remember, whereby in his Defence he fell upon that Nation ; in answer of which, I may not omit to do the service I owe to the Commons, for whom I am trusted, and that is, that talking of an Arbitrary and Tyrannical Government, in reference to some Orders of the Commons-House in *Ireland*, he used words to this purpose : *You talk of an Arbitrary Government, look upon these Orders, here is an Arbitrary Government* : and yet when he produced the Orders, they appeared to have so much justice and discretion in them, that he can lay nothing to the charge of them, though in a passion he is not backward to asperse them.

My Lords, If this Lyon (to use his own language) now that he is chained and muzzled, under the restraint and question of High Treason, will here take the boldness to vent this Language, and express this Malignity ; How would he do if he were unchained ? How would he devour ? How would he destroy ? &c.

My Lords, Something concerns your Lordships ; your Lordships remember, that he was not backward in his own answer, to *fix a Charge of High Treason upon the Lords of the Great Council* ; and howsoever he hath affirmed this day, I must open it again, That the Charge of the Seven and twentieth Article he fixes in his Answer, to be *by consent of the Lords of the Great Council*, though he hath since recanted it ; and yet you have heard him alledge, *That he will stand and fall by the truth of his answer*.

My Lords, I am now at an end. You have my Lord of *Strafford* here questioned for High Treason, for going about to Subvert the Fundamental Laws of both Kingdoms, in defence whereof, your Noble Ancestors spent their Lives and Bloods. My Lords, You are the Sons of those Fathers, and the same Blood runs in your veins, that did in theirs ; and I am confident you will not think him fit to live, that goes about to destroy that which protects your Lives, and preserves your Estates and Liberties.

My Lords, You have the Complaints of Three Kingdoms presented before you against this Great Person ; whereby your Lordships perceive that a great storm of Distemper and Distraction hath been raised, that threatens the Ruin and Destruction of them all. The Commons with much Pain and Diligence, and

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to their great Expence, have discovered the *Jonas* that is the Occasion of this Tempest; they have still and will discharge their Consciences (as much as in them lies) to cast him out of the Ship, and allay the Tempest. They Expect and are Confident your Lordships will perfect the Work, and that with Expedition, lest with the Continuance of the Storm both Ship and Tackling and Mariners, both Church and Commonwealth be Ruined and Destroyed.

1641.

It was certainly, as appeared by the sequel, a great mistake in making this Comparison; and when by Tumults they threw this Noble *Jonas* overboard, they threw one of the ablest Pilots; the Storm being so far from ceasing, that from that Unhappy Moment it was changed to a Tempest, which did actually Ruin and Destroy both the Ship, Tackling and Mariners, the Church and Commonwealth.

When Mr. *Glyn* had concluded his Replication, Mr. *Pym* stood up, and, with all the power of studied and malicious Rhetorique, endeavoured to aggravate the Earl of *Strafford's* guilt in a set Oration, which he would have made the Audience believe was the *Extempore* product of his Parts and Abilities, as an immediate Reply to the Earl's Defence; but it was his Misfortune (which gave occasion to some of the Noble Audience to smile) to fall into a great Disorder and Confusion; insomuch, that by pulling out his Paper to recollect his memory and reassure himself, he discovered that it was a premeditated and Elaborate Task; and that whatever the Earl had spoken, that was to be the answer, which followeth.

My Lords,

Many dayes have been spent, in maintenance of the Impeachment of the Earl of *Strafford*, by the House of Commons, whereby he stands charged with High Treason; and your Lordships have heard his Defence with patience, and with as much Favour as Justice would allow. We have passed through our Evidence, and the result of all this is, that it remains clearly proved, That the Earl of *Strafford* hath endeavoured by his Words, Actions, and Counsels, to subvert the Fundamental Laws of *England* and *Ireland*, and to introduce an Arbitrary and Tyrannical Government.

Mr. Pym's Speech at the summing up the Evidence against the Earl of *Strafford*, April 13.


This is the envenomed Arrow for which he inquired, in the beginning of his Replication this day, which hath infected all his Blood; This is that intoxicating Cup, (to use his own Metaphor) which hath tainted his Judgment, and poisoned his Heart: from hence was infused that specifical difference, which turned his Speeches, his Actions, his Counsels, into Treason; not *cumulative*, as he exprest it, as if many misdemeanors could make one Treason; but *formally* and essentially. It is the end that doth inform Actions, and that doth specificate the nature of them, making not only criminal, but even indifferent Words and Actions to be Treason, being done and spoken with a Treasonable intention.

That which is given to me in charge, is to shew the quality of the offence, how hainous it is in the nature, how mischievous in the effect of it, which will best appear, if it be examined by that Law, to which he himself appealed, that Universal, that Supream Law, *Salus Populi*: This is the Element of all Laws, out of which they are derived, the end of all Laws, to which they are designed, and in which they are perfected; How far it stands in opposition to this Law, I shall endeavour to shew in some considerations, which I shall present to your Lordships, all arising out of the Evidence which hath been opened.

The First is this, It is an offence comprehending all other offences; here you shall find several Treasons, Murthers, Rapines, Oppressions, Perjuries.

The Earth hath a Seminary Virtue, whereby it doth produce all Herbs and Plants, and other Vegetables: There is in this Crime a Seminary of all Evils hurtful to a State; and if you consider the reasons of it, it must needs be so: the

I 6 4 I.



Law is that which puts a difference betwixt good and evil, betwixt just and unjust; if you take away the Law, all things will fall into a confusion, every man will become a Law to himself, which in the depraved condition of humane Nature, must needs produce many great enormities; Lust will become a Law, and Envy will become a Law, Covetousness and Ambition will become Laws; and what dictates, what decisions such Laws will produce, may easily be discerned in the late Government of *Ireland*: The Law hath a power to prevent, to restrain, to repair Evils; without this, all kind of mischief and distempers will break in upon a State.

It is the Law that doth entitle the King, to the Allegiance and Service of his People; it entitles the People to the Protection and Justice of the King. It is God alone who subsists by himself, all other things subsist in a mutual dependence, and relation. He was a wise man that said, *That the King subsisted by the Field that is tilled*: It is the Labour of the people that supports the Crown: If you take away the protection of the King, the vigor and cheerfulness of Allegiance will be taken away, though the obligation remain.

The Law is the boundary, the measure betwixt the King's Prerogative, and the Peoples Liberty; whilst these move in their own Orbs, they are a support and a security to one another; the Prerogative a cover and defence to the Liberty of the People, and the People by their Liberty are enabled to be a foundation to the Prerogative; but if these bounds be so removed, that they enter into contestation and conflict, one of these mischiefs must ensue: If the Prerogative of the King overwhelme the Liberty of the People, it will be turned into Tyranny, if Liberty undermine the Prerogative, it will grow into Anarchy.

The Law is the safeguard, the custody of all private Interest, your Honors, your Lives, your Liberties and Estates, are all in the keeping of the Law; without this, every man hath a like right to any thing, and this is the condition into which the *Irish* were brought by the Earl of *Strafford*: And the reason which he gave for it, hath more mischief in it, than the thing it self, *they were a Conquered Nation*. There cannot be a word more pregnant and fruitful in Treason, than that word is. There are few Nations in the World, that have not been conquered, and no doubt but the Conqueror may give what Laws he pleases to those that are conquered: but if the succeeding pacts, and agreements, do not limit and restrain that Right, What People can be secure? *England* hath been conquered, and *Wales* hath been conquered, and by this reason, will be in little better case than *Ireland*: if the King, by the right of a Conqueror, gives Laws to his People; shall not the People by the same reason, be restored to the right of the Conquered, to recover their Liberty if they can? What can be more hurtful, more pernicious to both, than such propositions as these? And in these particulars is determined the first Consideration.

The Second Consideration is this; This Arbitrary Power is dangerous to the King's Person, and dangerous to his Crown: it is apt to cherish Ambition, Usurpation, and Oppression in great Men, and to beget Sedition and discontent in the People; and both these have been, and in reason must ever be, causes of great trouble and alteration to Princes and States.

If the Histories of those Eastern Countreys be perused, where Princes order their affairs according to the mischievous Principles of the Earl of *Strafford*, loose and absolved from all rules of Government, they will be found to be frequent in Combustions, full of massacres, and of the Tragical ends of Princes. If any man should look into our own stories, in the times when the Laws were most neglected, he shall find them full of commotions, of civil distempers; whereby the Kings that then Reigned, were always kept in want and distress; the People consumed with Civil Wars; and by such wicked Counsels as these, some of our Princes have been brought to such miserable ends, as no honest heart can remember, without horror and earnest Prayer, that it may never be so again.

The Third Consideration is this, The Subversion of the Laws; and this Arbitrary Power, as it is dangerous to the King's Person, and to his Crown, so is it in other respects, very prejudicial to his Majesty, in his Honour, Profit, and Greatness; and yet these are the Guildings and Paintings that are put upon
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such Counfels ; These are for your Honour, for your Service ; whereas in truth they are contrary to both : But if I shall take off this varnish, I hope they shall then appear in their own Native deformity, and therefore I desire to consider them by these Rules.

1641.

It cannot be for the Honour of the King, that His Sacred Authority should be used in the practice of Injustice and Oppression ; That his name should be applyed to patronize such horrid crimes, as have been represented in Evidence against the Earl of *Strafford* ; and yet how frequently, how presumptuously his Commands, his Letters, have been vouched throughout the course of this Defence ? Your Lordships have heard, when the Judges do Justice, it is the King's Justice, and this is for his Honour, because He is the fountain of Justice : But when they do Injustice, the offence is their own, but those Officers and Ministers of the King, who are most officious in the exercise of this Arbitrary Power, they do it commonly for their advantages, and when they are questioned for it, then they fly to the King's Interest, to his Direction : And truly my Lords, this is a very unequal distribution for the King, that the dishonour of evil courses should be cast upon him, and they to have the advantage.

The prejudice which it brings to him in regard of his profit, is no less apparent, it deprives him of the most beneficial, and most certain Revenue of his Crown, that is, The voluntary Aids and Supplies of His People ; His other Revenues, consisting of goodly Demeans, and great Mannors, have by grants been alienated from the Crown, and are now exceedingly diminished and impaired : But this Revenue, it cannot be sold, it cannot be burdened with any Pensions or Annuities, but comes intirely to the Crown. It is now almost Fifteen years since His Majesty had any Assistance from His People ; and, these illegal wayes of supplying the King were never prest with more Violence and Art, then they have been in this time ; and yet I may, upon very good grounds, affirm, That in the last Fifteen years of Queen *Elizabeth*, She received more, by the Bounty and Affection of her Subjects, then hath come to his Majesties Coffers, by all the inordinate and rigorous courses which have been taken. And, as those Supplies were more beneficial, in the Receipt of them, so were they likewise in the use and employment of them.

Another way of prejudice to His Majesties profit, is this : Such Arbitrary Courses exhaust the People, and disable them, when there shall be occasion, to give such plentiful Supplies, as otherwise they would do. I shall need no other proof of this, then the *Irish* Government under my Lord of *Strafford*, where the Wealth of the Kingdom is so consumed, by those horrible Exactions and Burdens, that it is thought, the Subsidies lately granted, will amount to little more then half the proportion of the last Subsidies. The two former wayes are hurtful to the King's profit, in that respect which they call *Lucrum Cessans*, by diminishing his Receipts ; But, there is a third, fuller of mischief ; and, it is in that respect, which they call *Damnum emergens*, by encreasing his Disbursements : such irregular and exorbitant attempts upon the Liberties of the People, are apt to produce such miserable Distractions and Distempers, as will put the King and Kingdoms to such vast Expenses and Losses in a short time, as will not be recovered in many years : We need not go far to seek a proof of this, these two last years will be a sufficient Evidence, within which time I assure my self, it may be proved, that more Treasure hath been wasted, more loss sustained by His Majesty and His Subjects, then was spent by Queen *Elizabeth* in all the War of *Tyron*, and in those many brave Attempts against the King of *Spain*, and the Royal Assistance which she gave to *France*, and the Low-Countries, during all Her Reign.

As for greatness, this Arbitrary Power is apt to hinder and impair it, not only at home, but abroad. A Kingdom is a Society of men conjoynd under one Government, for the Common good : The World is a Society of Kingdoms and States. The King's Greatness consists not only in His Dominion over his Subjects at home, but in the Influence which he hath upon States abroad ; That he should be great even among Kings, and by his Wisdom and Authority, so to incline and dispose the Affairs of other States and Nations, and those great events which fall out in the World, as shall be for the good of Mankind, and for the Peculiar advantage of His own People. This is the most glorious, and

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magnificent greatness, to be able to relieve distressed Princes, to support his own Friends and Allies, to prevent the Ambitious Designs of other Kings; and, how much this Kingdom hath been impaired in this kind, by the late mischievous Counsels, your Lordships best know; who, at a near distance, and with a more clear sight, do apprehend these publick and great affairs, then I can do. Yet thus much I dare boldly say, that if his Majesty had not, with great Wisdom and Goodness, forsaken that way, wherein the Earl of *Strafford* had put him, we should, within a short time, have been brought into that miserable condition, as to have been useless to our Friends, contemptible to our Enemies, and incapable of undertaking any great Design, either at home or abroad.

A Fourth Consideration is, That this Arbitrary and Tyrannical Power, which the Earl of *Strafford* did exercise in his own Person, and to which he did advise His Majesty, is inconsistent with the Peace, the Wealth, the Prosperity of a Nation; It is destructive to Justice, the Mother of Peace; to Industry, the spring of Wealth; to Valour, which is the active Virtue, whereby the prosperity of a Nation can only be procured, confirmed, and enlarged.

It is not only apt to take away Peace, and so entangle the Nation with Wars, but doth corrupt Peace, and puts such a malignity into it, as produceth the effects of War. We need seek no other proof of this, but the Earl of *Strafford's* Government, where the *Irish*, both Nobility and others, had as little security of their Persons or Estates in this peaceable time, as if the Kingdom had been under the rage and fury of War.

And as for Industry and Valour, who will take pains for that, which when he hath gotten, is not his own? or who fight for that wherein he hath no other Interest, but such as is subject to the Will of another? The ancient encouragement to men, that were to defend their Countreys, was this, That they were to hazard their Person, *pro Aris & focis*, for their Religion, and for their Houses; But by this Arbitrary way which was practised in *Ireland*, and counselled here; no man had any certainty, either of Religion, or of his House, or any thing else to be his own; But besides this, such Arbitrary courses have an ill operation upon the courage of a Nation, by embasing the hearts of the People: A servile condition does for the most part beget in men a slavish temper and disposition. Those that live so much under the Whip, and the Pillory, and such servile Engines, as were frequently used by the Earl of *Strafford*, they may have the dregs of Valour, Sullenness and Stubbornness, which may make them prone to mutinies and discontents; But those Noble and Gallant affections, which put men to brave designs and attempts for the preservation or enlargement of a Kingdom, they are hardly capable of. Shall it be Treason to embase the King's Coin, though but a piece of Twelve-pence, or Six-pence? and must it not needs be the effect of a greater Treason, to embase the Spirits of his Subjects, and to set a Stamp and character of Servitude upon them, whereby they shall be disabled to do any thing, for the Service of the King and Commonwealth?

The Fifth Consideration is this, that the exercise of this Arbitrary Government in times of suddain danger, by the invasion of an enemy, will disable His Majesty to preserve himself and His Subjects from that danger. This is the only pretence by which the Earl of *Strafford*, and such other mischievous Counsellors, would induce his Majesty to make use of it; and if it be unfit for such an occasion, I know nothing that can be alledged in maintainance of it.

When War threatens a Kingdom by the coming of a Forraign Enemy, it is no time then to discontent the people, to make them weary of the present Government, and more inclinable to a change; The supplies which are to come in this way, will be unready, uncertain, there can be no assurance of them, no dependance upon them, either for time or proportion: And if some Money be gotten in such a way, the distractions, divisions, distempers, which this course is apt to produce, will be more prejudicial to the publique safety, than the Supply can be advantagious to it, and of this we have had sufficient experience the last Summer.

The Sixth, That this crime of Subverting the Laws, and introducing an Arbitrary and Tyrannical Government, is contrary to the Pact and Covenant be-

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twixt the King and his People; that which was spoken of before, was the legal union of Allegiance and Protection; this is a personal union by mutual agreement and stipulation, confirmed by Oath on both sides: The King and his People are obliged to one another in the nearest relations, he is a Father and a Child, is called in Law *pars patris*: He is the Husband of the Commonwealth, they have the same interests, they are inseparable in their condition, be it good or evil; he is the Head, they are the Body; there is such an incorporation as cannot be dissolved, without the destruction of both.

When Justice *Thorp* in *Edward* the III. time, was by the Parliament condemned to death for bribery, the reason of that Judgment is given, because he had broke the King's Oath, not that he had broke his own Oath, but he had broken the King's Oath, that solemn and great Obligation, which is the security of the whole Kingdom: If for a Judge to take a small sum, in a private Cause was adjudged capital, how much greater was this offence, whereby the Earl of *Strafford* hath broken the King's Oath in the whole course of his Government in *Ireland*, to the prejudice of so many of his Majesties Subjects in their Lives, Liberties, and Estates, and to the danger of all the rest?

The Doctrine of the Papists *Fides non est servanda cum Hereticis*, is an abominable Doctrine: yet that other Tenet, more peculiar to the Jesuits, is more pernicious, whereby Subjects are discharged from their Oath of Allegiance to their Prince, whensoever the Pope plealeth; This may be added to make the third no less mischievous and destructive to humane Society, than either of the rest. That the King is not bound by that Oath which he hath taken, to observe the Laws of the Kingdom, but may when he sees cause, lay Taxes and Burthens upon them without their consent, contrary to the Laws and Liberties of the Kingdom. This hath been Preached and published by divers; And this is that which hath been practised in *Ireland* by the Earl of *Strafford*, in his Government there, and endeavoured to be brought into *England*, by his Counsel here.

The Seventh is this; It is an offence that is contrary to the end of Government; The end of Government was to prevent oppressions; to limit and restrain the excessive power and violence of great men, to open the passages of Justice, with indifferency towards all; This Arbitrary Power is apt to induce and encourage all kind of insolencies.

Another end of the Government, is to preserve men in their Estates, to secure them in their Lives and Liberties; but if this design had taken effect, and could have been settled in *England*, as it was practised in *Ireland*, no man would have had more certainty in his own, then Power would have allowed him; but these two have been spoken of before; there are two behind more important, which have not yet been touched.

It is the end of Government, that Vertue should be cherish'd, Vice suppress'd, but where this Arbitrary and unlimited Power is set up, a way is open, not only for the security, but for the advancement and encouragement of evil; such men as are apt for the execution and maintenance of this Power, are only capable of preferment; and others who will not be instruments of any unjust commands, who make a conscience to do nothing against the Laws of the Kingdom, and Liberties of the Subject, are not only not passable for employment, but subject to much jealousy and danger.

It is the end of Government, that all Accidents and Events, all Counsels and Designs should be improved to the publique good: But this Arbitrary Power is apt to dispose all, to the maintainance of it self. The wisdom of the Council-Table; The authority of the Courts of Justice; The industry of all the Officers of the Crown, have been most carefully exercised in this; the Learning of our Divines, the Jurisdiction of our Bishops have been moulded and disposed to the same effect, which though it were begun before the Earl of *Strafford*'s employment, yet it hath been exceedingly furthered and advanced by him.

Under this colour and pretence of maintaining the King's Power and Prerogative, many dangerous practises against the peace and safety of the Kingdom, have been undertaken and promoted. The increase of Popery, and the favours and encouragement of papists have been, and still are a great grievance and danger to the Kingdom: The innovation, in matters of Religion, the Usurpations
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1641.

of the Clergy, the manifold burthens and taxations upon the people, have been a great cause of our present distempers and disorders; and yet those who have been chief furtherers and actors of such mischiefs, have had their Credit and Authority from this; that they were forward to maintain this power. The Earl of *Strafford* had the first rise of his Greatness from this; and in his Apology and Defence, as your Lordships have heard, this hath had a main part.

The Royal Power and Majesty of Kings is most Glorious in the Prosperity and happiness of the People; the perfection of all things consists in the end, for which they were ordained, God only in his own end, all other things have a further end beyond themselves, in attaining whereof, their own happiness consists: if the means and the end be set in opposition to one another, it must needs cause an impotency and defect of both.

The Eighth Consideration, is the vanity and absurdity of those excuses and justifications, which he made for himself, whereof divers particulars have been mentioned in the course of this Defence.

1. That he is a Counsellor, and might not be questioned for any thing which he advised according to his Conscience; The ground is true, there is a liberty belongs to Counsellors, and nothing corrupts Counsels more than Fear; He that will have the priviledg of a Counsellor, must keep within the just bounds of a Counsellor; those matters are the proper Subjects of Counsel, which in their times and occasions, may be good or beneficial to the King or Common-wealth; But such Treasons as these, the subversion of the Laws, violation of Liberties, they can never be good or justifiable by any circumstance, or occasion; and therefore his being a Counsellor, makes his fault much more hainous, as being committed against a greater Trust, and in a way of much mischief and danger, lest His Majesties Conscience and Judgment (upon which, the whole course and frame of His Government, do much depend) should be poysoned and infected with such wicked Principles and Designs: and this he hath endeavoured to do, which by all Laws, and in all Times hath in this Kingdom been reckoned a crime of an high Nature.

2. He labours to interest your Lordships in his Cause, by alleadging, it may be dangerous to your selves, and your posterity, who by your Birth are fittest to be near His Majesty, in places of Trust and Authority, if you should be subject to be questioned for matters delivered in Council. To this was answered, That it was hoped their Lordships would rather labour to secure themselves, and their posterity, in the exercise of their Virtues, than of their Vices, that so they might, together with their own Honor and Greatness, preserve the Honor and Greatness, both of the King and Kingdom.

3. Another excuse was this, That whatsoever he hath spoken, was out of good intention. Sometimes good and evil, truth and falshood, lye so near together, that they are hardly to be distinguished: Matters hurtful and dangerous, may be accompanied with such circumstances, as may make it appear useful and convenient, and in all such cases, good intention will justifie evil Counsel; But where the matters propounded are evil in their own nature, such as the matters are, wherewith the Earl of *Strafford* is charged, to break a publique Faith, to subvert Laws and Government: they can never be justified by any intentions, how good soever they be pretended.

4. He alleadgeth it was a time of great necessity and danger, when such Counsels were necessary for preservation of the State. Necessity hath been spoken of before, as it relates to the Cause; now it is considered as it relates to the Person; if there were any necessity, it was of his own making; he by his evil Counsel had brought the King into a necessity, and by no rules of Justice can be allowed to gain this advantage by his own fault, as to make that a ground of his justification which is a great part of his offence.

5. He hath often insinuated this, That it was for His Majesties service, in maintainance of that Sovereign Power, with which he is intrusted by God, for the good of his People. The Answer is this, No doubt but that Sovereign Power wherewith his Majesty is intrusted for the publique good, hath many glorious effects, the better to enable him thereunto; But without doubt, this is none of them, That by his own Will, he may lay any Tax or imposition upon

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His people, without their consent in Parliament. This hath now been five times adjudged by both Houses, in the case of the Loans, in condemning Commissions of Excise, in the resolution upon the saving offered to be saved to the Petition of Right, in the sentence against *Manwaring*, and now *Lutell*, in condemning the Shipmoney; And if the Sovereign Power of the King, can produce no such effect as this, the Allegation of it is an aggravation, and no diminution of his offence, because thereby he doth labour to interest the King against the just grievance and complaint of the People.

6. This Counsel was propounded with diverse Limitations and Provisions; for securing and repairing the Liberty of the People. This implies a contradiction to maintain an Arbitrary and Absolute Power, and yet to restrain it with Limitations and Provisions; for even those limitations and provisions, will be subject to the same absolute power, and to be dispensed in such manner, and at such time, as it self shall determine; let the Grievances and Oppressions be never so heavy, the Subject is left without all remedy, but at His Majesties own pleasure.

7. He alleadgeth, They were but Words, and no effect followed; this needs no Answer: but, that the Miserable Distempers into which he hath brought all the three Kingdoms, will be Evidence sufficient, that his Wicked Counsels have had such Mischievous Effects within these two or three last years, that many years peace will hardly repair those losses, and other great Mischiefs which the Common-Wealth hath sustained.

8. These Excuses have been collected out of the several Parts of his defence, perchance some others are omitted, which I doubt not have been Answered by some of my Collegues, and are of no Importance, either to perplex or to hinder your Lordships Judgment touching the hainousness of this Crime.

The 9th consideration is this, That if this be Treason, in the Nature of it, it doth exceed all other Treasons in this, That in the Design and Endeavour of the Author, it was to be a constant and permanent Treason; other Treasons are Transient, as being confined within those particular Actions and Proportions, wherein they did consist, and those being past, the Treason ceaseth.

The Powder Treason was full of horror and malignity, yet it is past many years since: The Murder of that Magnanimous and Glorious King, *Henry* the Fourth of *France*, was a great and horrid Treason; and so were those manifold Attempts against Queen *Elizabeth* of blessed Memory; but, they are long since past; the Detestation of them only remains in Histories, and in the minds of men, and will ever remain: But, this Treason, if it had taken effect, was to be a standing perpetual Treason, which would have been in continual Act, not determined within one time or Age, but transmitted to Posterity, even from one generation to another.

The 10th Consideration is this, That as it is a Crime odious in the Nature of it, so it is odious in the Judgment and Estimation of the Law: To alter the settled Frame and Constitution of Government, is Treason in any State. The Laws, whereby all other parts of a Kingdom are preserved, should be very vain and defective, if they had not a power to secure and preserve themselves.

The Forfeitures inflicted for Treason, by our Law, are of Life, Honor and Estate, even all that can be forfeited; and, this Prisoner having committed so many Treasons, although he would pay all these Forfeitures, will be still a Debtor to the Common-wealth: nothing can be more equal, then that he should perish by the Justice of that Law, which he would have Subverted; neither will this be a new way of Blood, There are Marks enough to trace this Law to the very Original of this Kingdom: and if it hath not been put in Execution, as he alleadgeth, this 240 years, it was not for want of Law, but, that all that time hath not bred a man, bold enough to commit such Crimes as these; which is a circumstance, much aggravating his Offence, and making him no whit less liable to punishment, because he is the only Man, that in so long a time hath ventured upon such a Treason as this.

It belongs to the Charge of another, to make it appear to your Lordships, that the Crimes and Offences proved against the Earl of *Strafford*, are High-Treason by the Laws and Statutes of this Realm, whose Learning and other Abilities are much better for that Service: But, for the time and manner of performing this,

I 64 I.

this, we are to resort to the Direction of the House of Commons, having in this, which is already done, dispatched all those Instructions which we have received; and, concerning further Proceedings for clearing all Questions and Objections in Law, your Lordships will hear from the House of Commons in Convenient time.

For this and his Speech at the beginning of the Tryal, Mr. Pym had the particular Thanks of the House of Commons, and was Ordered to Print and Publish them.

Thus was the process closed as to matter of Fact; that which was now remaining was matter of Law, which the Lords had condescended that the Earl's Council should have liberty to speak to; and accordingly a Message was sent from the Lords by Judge Reeves and Serjeant Glanville upon *Wednesday, 14th of April*, to let them know, *That their Lordships had appointed to hear the Earl of Strafford's Council to morrow at 8 of the Clock concerning the matter of Law.*

wednesday,
April 14.

The Bill of Attainder was read again this day, and the House was resolved into a Grand Committee of the whole House, Mr. Peard having the Chair, where it was warmly debated, Mr. Selden, Mr. Holborn, Mr. Bridgman, and several others opposing it.

Thursday,
April 15.

The Commons sent to desire a Conference with the Lords about hearing the Earl's Council, the Heads whereof were to represent to their Lordships,

1. *That it was 5 of the Clock before this intimation of their Lordships to hear the Earl of Strafford's Council came to their House.*

2. *Upon former Conferences heretofore had with their Lordships, a Saving was made by the House of Commons in that point, whether Council should be heard or not, and 'tis not now time to consider whether they should depart from that Saving.*

3. *Great difficulties to know to what purpose the Council shall be heard, the Case not stated, agreed on, or made; then to propound the danger and inconvenience is, his Council make a Case and ravel into all the Evidence in such an Auditory: and whether to dispute the Case as 'tis alleadged in the Articles.*

That the Evidence of the Fact being given, it was in proposition from the beginning to go by way of Bill, and that a Bill is exhibited here for his Attainder; that the proceedings by way of Bill, stands in no way of Opposition to these proceedings that have already been in this business; that these several Considerations make more difficulty in this House then to come to a sudden and present Resolution. And a Conference being had, Mr. Whitlock reports it to the Commons.

That the Lord Say told them, That they had taken into consideration this great business, and were not absolutely resolved how to proceed, but that the Earl of Strafford's Council should have notice to attend here to morrow, and should not speak to any matter of Fact, but of Law only.

Friday,
April 16.

Upon *Friday April 16th*, the Commons fell upon the Debate about the last Conference, and concerning the Earl of Strafford, and came to this Vote.

Resolved upon the Question,

That the endeavour of Thomas Earl of Strafford to Subvert the ancient and Fundamental Laws of the Realms of England and Ireland, and to introduce an Arbitrary and Tyrannical Government against Law in both these Realms, is sufficiently proved.

Upon

Upon the Conference the Lords appointing Saturday Ten of the Clock for hearing the Earl of *Strafford's* Council, it was Ordered, That a Committee of the whole House should be present at Westminster-Hall to hear the same.

1641.

And accordingly upon Saturday the 17th of April, the Court being sate, my Lord Steward acquainted the Earl of *Strafford*, That the Lords had resolved to give him a fair hearing in the matter of Law, and desired that his Council might keep that Distance, Moderation and Respect which was due to the Judicature, and not at all meddle with matter of Fact.

Saturday,
April 17.

The Earl replied, That he did in all humility acknowledg the Favour and Justice done him by the Lords, and that he never Expected other from such Just and Honourable Persons as their Lordships, in whose Integrity and Goodness, next under that which he had placed above, he reposed his chiefest Confidence, and hopes of the Vindication of his Innocence; and for his Council, they knew much better than himself what concerned the point of Discretion and Respect due to that Illustrious Assembly, and that he doubted not but they would give all Satisfaction and Obedience that was desired.

Then his Council was called to the Bar, and having permission given them, Mr. Lane, the Princes Attorney, spoke as followeth.

My Lords,

T Here is a Heavy Charge lyeth upon me and my Fellows, Nothing less then to defend the Life, the Estate, the Reputation and the Posterity of this Honourable Person at the Bar; and if therein we shall be the more pressing, we hope your Lordships will interpret this our forwardness to be for Honesty and Conscience sake in a matter that nearly concerneth both. But it shall be our endeavour to carry our selves with our best Respects to your Lordships, and with all Content and Satisfaction that may be to the House of Commons.

Mr. Lane's
Argument at
Law in behalf
of the Earl of
Strafford.

And because your Lordships mentioned the matter of Fact, one thing I dare be bold to say, That all the time of this Noble Lord's Defences, he did not so much as crave any of our Opinions, or acquaint us with any thing that tended that way; and for the matter of Law, Those Statutes cited by himself, and offered to your Lordships Consideration, were none of our stock, but taken up at his own adventure: I do not speak this to derogate from the pertinency of those Statutes, (for they shall be the subject of my Discourse) but that the Noble Lord may not be disappointed of your Lordships right Conception, and his own due praise.

My Lords, It is your Pleasure we meddle not with matter of Fact, and indeed we need not meddle at all with it, because we hope it is already done, and that sufficiently to our hands; yet the matter of Law doth so naturally arise out of the matter of Fact, that of necessity, by your Lordships Favour, we must sometimes touch on this, if we speak to that. Nor do we conceive it possible for us to speak advantageously enough for the Lord *Strafford's* just Defence, unless the whole matter of Fact be determined as either proved, or not proved, or at least some states of Questions agreed upon where we may fix and settle our Arguments. And so it is, my Lords, that I have chosen not at all to touch the Matter of Law, untill your Lordships shall be pleased to chalk me out a Way, unless it be to clear your Judgments in one Statute only, viz. 25 Ed. 3. because when the same was alledged by the Lord *Strafford* for his own Defence; that not being convict by the letter thereof, he

1641.

could not be convict of Treason, I remember the Salvo of that Statute was much insisted upon by those from the House of Commons, as much conducing to their Ends.

My Lords, I will first speak of the Statute it self, and then of its Salvo, or Provision; the Statute is, That if any man shall intend the Death of the King, the Queen, or their Children, kill the Chancellor, or a Judge upon the Bench, imbase the Kings Coyn, or counterfeit the Broad Seal, &c. he shall be convicted and punished as a Traytor.

That the Lord Strafford comes within the letter of this Statute, is not so much as once alledged, nor indeed can it be with any Reason; All that can be said, is, that by relation or argument à minore ad majus, he may be drawn thither: And that this cannot be, I humbly offer these Considerations:

1. This is a Declarative Law, and such are not to be taken by any way of Consequence, Equity or Construction, but by the letter only; otherwise they should imply a contradiction to themselves, and be no more Declarative Laws, but Laws of Construction.

Secondly, This is a Penal Law, and such (if our Ground hitherto unquestion'd, holds good) can admit of no Inductions or Inferences: for Penalties are to perswade the keeping of known Laws, not of Laws conjectural ambiguous, and by Consequence, which perhaps the most Learned may not in their disputes question, much less the Subject (who is not to interpret the Statute) doubt of in the point of Obedience, nay rather without doubt he is to obey the letter of the Statute, and conceive (and that truly) that he is not liable to the Penalty.

Thirdly, We have a notable Statute 13 Eliz. c. 2. whereby it is declared, That the bringing of Bulls from Rome to stir up the Subjects to Mutiny and Rebellion, shall be punished as Treason. Now, if by interpretation or by consequence this sense might have been thrust upon preceding Statutes, the making this had been superfluous, and the persons then charged with that Crime might have been impeached of Treason even before the making of this Act.

Fourthly, Anno 21 Ed. 3. we have a Statute declaring, That for a Servant to kill his Master, is an Act of Treason, and in the 27th Year of the same King a Proceß was framed against a man of Treason for Killing his Father, grounded upon the same Argument à Majori ad Minus, but it was found, and the Sentence is yet in the Records, that although in the 21 of Ed. 3. that Argument might have been admitted; yet in the 27 it could not, by reason of the Declarative Law intervening in the 25th Year. And this Case comes very home to the point in hand.

My Lords, I will not demand what kind of Offence it may be for a man to Subvert the Fundamental Laws of a Kingdom? the Crime doubtless is unnatural and monstrous, and the punishment must keep the same proportion, only I must presume to offer these few things to your consideration; 1. That one or more Acts of Injustice whether maliciously or ignorantly done, can in no sense of Law be called the Subversion of the Fundamental Laws, otherwise as many Judges perhaps so many Traytors. It is very incident to Man's Nature to Err, nor doth the Lord Strafford plead his Innocence in Oversight but in Treason. 2. I do remember the Case of John de la Pool Duke of Suffolk; this man in the 26 H. 6. was charged by the House of Commons with Eight Articles of Treason, and those too very like to these against the Lord Strafford. 1. That he had given the King bad Advices. 2. That he had embased his Coyn. 3. That he had Sessed Men of War. 4. That he had given out Summary Decrees. 5. That he had imposed Taxes. 6. That he

he had Corrupted the Fountain of Justice. 7. That he had perswaded the King to unnecessary War. 8. To the giving up Anjou in France. Ovum Ovo.

I 6 4 I.

And for all these, though he was charged with High Treason for wronging the Right of the Subject, and Subverting the Fundamental Lawes of the Kingdom, yet after long agitation, the matter was found by the Lords in Parliament, not to imply Treason, but only Felony. Add to this another Case in the 23 H. 8. where one was charged for Subverting the English Laws, and yet no Treason charged upon him. Add to both these the Case of Richard Larkes pleaded at the Common-Pleas, who was charged with Treason for subverting the Law, but convicted only of Felony. By which you may see, my Lords, what to this time hath been the Judgment of subverting the Lawes.

Thirdly, It is very considerable, That the Lord Strafford is not charged to have Subverted the Laws, but only to have Intended to subvert the Fundamental Laws: and this I conceive, if there were no more, might keep him free from that Statute of 25 Ed. 3. for although as touching the Life of the King, the Queen and Children, Intention is a Treasonable Act, yet in all other things there mentioned, there must be Action besides Intention: For it is not said, That if a Man doth intend to kill a Chancellor, it shall be Treason; but only if he doth kill him; and if he doth Actually counterfeit the Broad Seal: And although a man should prepare a Furnace, make ready his Stamp, and melt his Bullion; yet if he gives not the King's Impress upon the Coyne, all his intentions, yea his preparations will not serve to make up a Charge of Treason. And this, under favour, may serve to answer the Case of Guido Faux, lately objected, unless it be alledged that the Lord Strafford had as real an intention against the King's Life as Faux had: for though the Intention in that Case be Treason by the Statute, yet in all other things there is no Treason without the Action; so immense and vast a Difference both is and ought to be, betwixt a Project against the Royal Blood, and all things else of a lower and inferiour Nature.

You see then, My Lords, that the body of the Statute cannot strike against the Lord Strafford neither in letter nor consequence; this is not, that must not be. All that can be said is, That yet his Fact may be Treason by the Common Law; For my part, I profess my Ignorance, who ever thought the Common Law might declare but never make a Treason; that is, it must be presupposed that there is a Statute whereupon to build the Declaration, and therefore to say that there is no Statute for it, is to say it is no Treason at all. The Statute ever makes the Treason; and to be declared to be Treason either by Common Law, or by Parliament, are but two different ways of proceeding, and must both resolve into one Principle: nay, and which comes home to the point, in the 21 Ed. 3. to kill a man imployed in the King's War, was Treason; and 23. to kill the King's Messenger was Treason by Declaration of the Common Law, but alwayes by reason of the Statute; yet none of these are now Treason, but Felony only by reason of the intervening Statute of 25 Ed. 3. Such hath ever been thought the force of its Letter and Declaration.

And so I leave it, and will speak a word or two of the Salvo, which is, That because all Particulars could not be then determined, therefore what the King and his Parliament should declare to be Treasonable in time to come, should be punished as Treason. And according to this Reservation, in the 8 Ric. 2. one M—— was charged before the Kings-Bench, and afterwards referred to the Parliament, and there though the Fact was not con-

1641.

tained in the Body of the Statute, yet because of the Proviso, it was adjudged Treason.

In the 11th Year of the same King, the Duke of Ireland, and Nevil Archbishop of York were impeached of High Treason by Gloucester, Arrundel and Warwick, and, notwithstanding the Statute, were convicted thereof by the Salvo. But in the 21 of the same Rich. 2. the Tide turned, and the King had such a hand with the Parliament, that the Sentence was recalled, and those three Noblemen themselves were adjudged Traytors.

Again, in the First Year of H. 4. his Successor, that Revocation of the 21 Rich. 2. was repealed, and the Sentence of the 11th of his Reign Re-established; such were the Tossings to and fro of Treason; and all because of that uncertain Proviso. Therefore it was, that in the same Parliament, 1 H. 4. a Petition was preferred by the Nobility, to have Treason limited within some Statute, because they knew not either what to speak, or what to do for fear thereof: And in Chap. 10. an Act was made upon this Petition, That that Salvo should be holden Repealed in all time to come, and nothing Esteemed Treason, but what was literally contained in the Statute 25 Ed. 3. And then it is said in the Record, that there was great Joy at the making of this Act, in that the drawn Sword hanging over every man's head by this slender thread of a Consequence or Illation, was removed by that Act. Add to this, that 1 Mariæ, c. 1. the same is repeated, that No man shall be punished in Life or Estate as a Traitor, but for the Crimes contained in the Statute 25 Ed. 3. without the least mention of the pretended Salvo.

The Earl of Northumberland's Case comes nigh to the point; he was charged with Treason, 5 H. 4. and if the Statute of 1 H. 4. c. 10. whereby the Proviso is repealed, had not intervened, no doubt he had been condemned of Treason; but he was convicted of Felony, and that because he could not be drawn within the Letter of that Statute 25 Ed. 3. and I dare confidently say it, That since that Act made 1 H. 4. c. 10. whereby the Proviso is repealed, no man hath ever been declared a Traitor, either by the King or Parliament, except it were upon that or some other Statute literally and declaratively taken. These two things I do offer to your Lordships Consideration, that the Lord Strafford cannot be Impeached of Treason by the Statute of 25 Ed. 3. and that the Salvo contained in the same, stands repealed almost 200 Years ago. And this is all I conceive to be necessary for that Statute which was alledged by the Lord Strafford in his Defence for matter of Law.

Then the Recorder Mr. Gardener spoke something to this purpose,

That what was spoken upon that Statute, was because it seemed inseparable from the matter of Fact; That they could proceed no further, till a state were afforded to them; That to do otherwise, they conceived might be Exceeding prejudicial to the Earl of Strafford: 1. In regard that they should suppose that to be done, which is not proved to be so. 2. That the matter of Law ariseth so naturally from the matter of Fact, that it will be impossible to separate them one from the other. 3. That it is the Course of all Judicatures first to settle the Verdict, and upon that to fix the Arguments; otherwise he could conceive no possible Way of Proceeding; and therefore in the Lord Strafford's name he most humbly intreated their Lordships either wholly to determine the matter of Fact, not whether Treason or not, for then all after-Proceedings in Law were unnecessary; but whether done or not done; or else to give them some states of the Question whereunto they might conform themselves. Whereupon the Court adjourned.

But

But the Commons were resolved to pursue another Method, and nothing now would do but the Bill of Attainder; and accordingly upon Monday, April 19, it was Resolved upon the Question,

That the Endeavour of Thomas Earl of Strafford to Subvert the Antient and Fundamental Laws of the Realm of England and Ireland, and to introduce an Arbitrary and Tyrannical Government against Law in Both these Kingdoms, is High Treason.

By which Vote, they not only precluded all further Argument as to matter of Law, but made themselves Accusers, Parties and Judges both as to Matter of Fact and Law also.

Upon Wednesday, April 21. the Bill of Attainder was twice read in the Morning with the Amendments, and ordered to be ingrossed; and so eager were they in the Prosecution, that it was read again in the Afternoon, and the House was divided upon it; the Lord Digby and Mr. Lloyd tellers for the Yeas, Sir Gilbert Gerrard and Sir Thomas Barrington tellers for the Noes; with the Noes were 59; with the Yeas, 204. so the Bill passed the House of Commons being thrice read in one Day, and Mr. Pym by Order of the House carried it up to the Lords, with a special Recommendation to their Lordships to give it all Expedition in regard of the great Importance; acquainting them, *That the Commons would be ready to Justifie the Legality of the Bill.*

But notwithstanding the Tide run with that impetuous Violence against this Noble Lord, that to oppose it, must hazard drowning; and that doubtless Fear carried as many down the stream as Judgment; yet so great was the Power of his Innocence, and the Force of Truth, that even the Lord Digby, one who while he thought him Criminal was his severest Accuser; yet discerning the unjust practices against the Earl, he became his Advocate; though all the advantage he got, was by generously endeavouring to save the Lord Strafford, he lost his own Esteem both in the House of Commons, and among the Faction, and from that moment became their declared Enemy, by being a Bold Friend of Truth and Justice. So it happens, while men out of too much Popularity court or follow a Faction, they kindle a fire, which when they would quench, they perish in those Flames, which they help'd to blow up.

However, this Speech of the Lord Digby's gives a clear light into the Dark Contrivance, which brought this Great Life to an untimely Period, and was as followeth.

Mr. Speaker,

WE are now upon the point of giving (as much as in us lies) the Final Sentence unto Death or Life on a great Minister of State, and Peer of this Kingdom, Thomas Earl of Strafford, a Name of hatred in the present Age, by his practices, and fit to be made a Terror to future Ages by his Punishment.

I have had the Honour to be Employed by the House in this great business, from the first hour that it was taken into Consideration; It was matter of great Trust, (and I will say with confidence) that I have served the House in it both with Industry, according to my ability, and with most exact Faithfulness and Secrecy.

And as I have hitherto discharged my Duty to this House, and to my Country, in the Progress of this Great Cause, so I trust I shall do now in the last period of it, to God and to a good Conscience.

I do wish the peace of that unto my self, and the blessings of Almighty God to me and my Posterity, according as my judgment on the life of this man shall be consonant with my heart, and the best of my understanding in all Integrity.

I 6. 4 I.

Monday,
April 19.

wednesday,
April 21.
Bill of Attainder of the E. of Strafford, read thrice in one day and passed the Commons.

The Lord Digby's Speech at the passing the Bill of Attainder against the Earl of Strafford; Apr. 21.

1641.

I know well Mr. Speaker, that by some things I have said of late, whilst this Bill was in agitation, I have raised some prejudices upon me in the Cause.

Yea some (I thank them for their plain dealing) have been so free as to tell me, that I suffered much by the backwardness I have shewn in this Bill of Attainder of the Earl of Strafford, against whom I had been formerly so keen and so active.

Mr. Speaker, I beg of you and the rest but a suspension of Judgment concerning me, till I have opened my heart unto you freely and clearly in this business.

Truly Sir, I am still the same in my Opinions and Affections, as unto the Earl of Strafford, I confidently believe him the most dangerous Minister, the most insupportable to free Subjects that can be characterized.

I believe his Practices in themselves have been as High, as Tyrannical, as any Subject ever ventured on, and the malignity of them are hugely aggravated by those rare abilities of his, whereof God hath given him the use, but the Devil the application (in a word) I believe him still that grand Apostate to the Common-wealth, who must not expect to be pardoned in this World, till he be dispatched to the other. And yet let me tell you Mr. Speaker, my hand must not be to that dispatch, I protest, as my Conscience stands informed, I had rather it were off.

Let me unfold unto you the mystery, Mr. Speaker, I will not dwell much upon justifying unto you my seeming variance at this time from what I was formerly, but by putting you in mind of the difference between Prosecutors and Judges.

How misbecoming that fervour would be in a Judge, which perhaps was commendable in a Prosecutor ; Judges we are now, and must put on another Personage.

It is honest and noble to be earnest in order to the discovery of Truth, but when that hath been brought as far as it can to light, our judgment thereupon ought to be calm and cautious.

In prosecution upon probable Grounds, we are accountable only for our industry or remissness ; but in judgment, We are deeply responsible to God Almighty, for it's Rectitude or Obliquity in cases of Life, the Judge is God's Steward of the Partie's blood, and must give a strict account for every drop.

But as I told you, Mr. Speaker, I will not insist long upon the Ground of Difference in me now, from what I was formerly.

The truth on't is, Sir, the same Ground whereupon I (with the rest of the Five, to whom you first committed the Consideration of my Lord Strafford) brought down our Opinion, That it was fit he should be Accused of Treason, upon the same Ground I was engaged with earnestness in his Prosecution, and had the same Ground remained in that force of belief with me, which, till very lately it did, I should not have been tender in his Condemnation. But truly, Sir, to deal plainly with you, that Ground of our Accusation, That Spur to our Prosecution, and that which should be the basis of my judgment, of the Earl of Strafford, as unto Treason, is to my understanding quite vanished away.

This it was, Mr. Speaker,

His advising the King to employ the Army of Ireland, to reduce England.

This I was, assured would be proved, before I gave my consent to his Accusation. I was confirmed in the same belief, during the Prosecution, and fortified in it most of all since Sir Henry Vane's preparatory Examination, by the assurances which that worthy Member, Mr. Pym gave me, that his Testimony would be made convincing, by some Notes of what passed at that Juncto concurrent with it, which I ever understanding to be of some other Councillor, you see now, prove but a Copy of the same Secretaries Notes, discovered and produc'd in the manner you have heard, and those such disjointed Fragments of the Venomous part of Discourses, no Results, no Conclusions of Counsels, which are the only things that Secretaries should Register, there being no use at all of the other, but to Accuse and to bring men into danger.

But, Sir, this is not that which overthrows the Evidence with me, concerning the Army of Ireland ; nor yet, that all the rest of the Junto, upon their Oaths, remember nothing of it.

But this, Sir, which I shall tell you, is that which works with me, under favour, to an utter overthrow of his Evidence, as unto that of the Army of Ireland ; before, whilst I was a Prosecutor, and under tye of Secrecy, I might not discover any weakness of the Cause, which now as a Judge I must.

Mr. Secretary was examined thrice upon Oath, at the preparatory Committee.

The first time he was questioned to all the Interrogatories, and to that part of the Seventh, which concerns the Army of Ireland: He said positively in these words, I cannot Charge him with that. But for the rest, he desires time to recollect himself, which was granted him.

Some days after he was Examined a second time, and then deposes these words, concerning the King's being Absolved from Rules of Government, and so forth, very clearly. But being prest to that part, concerning the Irish Army, He said again, I can say nothing to that.

Here we thought we had done with him, till divers weeks after, my Lord of Northumberland, and all others of the Junto, denying to have heard any thing concerning those words, Of reducing England by the Irish Army. It was thought fit to Examine the Secretary once more, and then he deposes these words to have been said by the Earl of Strafford to His Majesty, You have an Army in Ireland, which you may employ here, to reduce (or some word to that sence) this Kingdom.

Mr. Speaker, these are the Circumstances which, I confess with my Conscience, thrust quite out of doors that Grand Article of our Charge, concerning his desperate Advice to the King, of employing the Irish Army here.

Let not this, I beseech you, be driven to an Aspersion upon Mr. Secretary, as if he should have Sworn otherwise than he knew or believed; he is too worthy to do that; only let thus much be inferred from it, that he, who twice upon Oath, with time of Recollection, could not remember any thing of such a business, might well a third time misremember somewhat in this business, the difference of one Letter, here for there, or that for this, quite alters the Case, the latter also being more probable, since it is confessed of all hands, that the Debate then was concerning a War with Scotland; and you may remember, that at the Bar he once said, To employ there. And thus, Mr. Speaker, I have faithfully given you an account what it is that hath blunted the edge of the Hatchet or Bill with me towards my Lord of Strafford.

This was that whereupon I Accused him with a free heart, Prosecuted him with earnestness, and had it, to my understanding, been proved, should have condemned him with Innocence. Whereas now I cannot satisfy my Conscience to do it.

I profess, I can have no notion of any bodies intent to subvert the Laws Treasonably, or by force; and this design of Force not appearing, all his other wicked practises cannot amount so high with me.

I can find a more easie and more natural Spring, from whence to derive all his other Crimes, than from an intent to bring in Tyranny, and to make his own Posterity, as well as Us, Slaves; as from Revenge, from Pride, from Avarice, from Passion, and Insolence of Nature.

But had this of the Irish Army been proved, it would have diffused a Complexion of Treason over all, it would have been a Withe, indeed, to bind all those other scattered and lesser branches, as it were, into a Faggot of Treason.

I do not say but the rest may represent him a man as worthy to dye, but perhaps worthier than many a Traytor. I do not say, but they may justly direct Us to Enact, That they shall be Treason for the future.

But God keep me from giving Judgment of Death on any man, and of Ruine to his innocent Posterity, upon a Law made a Posteriori.

Let the Mark be set on the door where the Plague is, and then let him that will enter dye.

I know, Mr. Speaker, there is in Parliament a double Power of Life and Death by Bill, a Judicial Power, and a Legislative; the measure of the one, is what's legally just; of the other, what is Prudentially and Politickly fit for the good and preservation of the whole. But these two, under favour, are not to be confounded in Judgment: We must not piece up want of legality with matter of convenience, nor the default of prudential fitness with a pretence of legal Justice.

To Condemn my Lord of Strafford Judicially, as for Treason, my Conscience is not assured that the matter will bear it.

And I do it by the Legislative Power, my reason consultively cannot agree to that, since I am perswaded, neither the Lords nor the King will pass the Bill, and consequently that Our passing it will be a Cause of great divisions and Combustions in the State.

And therefore my humble advice is, That laying aside this Bill of Attainder, We may think of another, saving only Life, such as may secure the State from my Lord of Strafford, without endangering it, as much by Division concerning his Punishment, as he hath endangered it by his practices.

If

I 6 4 I.

If this may not be hearkened unto, Let me conclude, in saying that unto you all, which I have thoroughly inculcated to mine own Conscience upon this occasion. Let every man lay his hand upon his Heart, and sadly consider what We are going to do, with a Breath, either Justice or Murther; Justice on the one side, or Murther heightened and aggravated to its supreamst extent. For as the Casuists say, That he who lies with his Sister commits Incest, but he that marries his Sister sins higher, by applying God's Ordinance to his Crime: So doubtless he that commits Murther with the Sword of Justice, heightens that Crime to the utmost.

The danger being so great, and the Case so doubtful, that I see the best Lawyers in diametral opposition concerning it: Let every man wipe his Heart, as he does his Eyes, when he would Judge of a nice and subtile Object. The Eye if it be pretincted with any colour, is vitiated in its discerning. Let us take heed of a blood-shotten Eye in Judgment.

Let every man purge his Heart clear of all passions, (I know this great and wise Body-politick can have none, but I speak to individuals, from the weakness which I find in my self;) away with personal Animositites; away with all flatteries to the people, in being the sharper against him, because he is odious to them; away with all fears, lest by the sparing his blood they may be incens'd; away with all such Considerations; as that it is not fit for a Parliament, that one Accused by it of Treason, should escape with Life.

Let not former Vehemence of any against him, nor fear from thence, that he cannot be safe while that man lives, be an ingredient in the Sentence of any one of Us.

Of all these Corruptives of Judgment, Mr. Speaker, I do before God discharge my self to the uttermost of my Power.

And do with a clear Conscience wash my hands of this mans blood, by this solemn Protestation, That my Vote goes not to the taking of the Earl of Strafford's Life.

Exceptions were taken at this Speech upon Friday following, and the Lord Digby Explained himself; but for the present there was nothing done in it; though afterwards the sleeping Revenge roused it self to some purpose; for upon the 15th of July, to do him all the infamy they could, this Speech was by Order of the House burnt by the hand of the Common Hangman in Smithfield, Palace Yard, and in the Royal Exchange.

The Lords made no great hast in dispatching the Bill of Attainder, and therefore the Faction fell upon other Methods of quickening them; one of which was a Petition from many Thousands of the City, which was upon Saturday presented by them to both Houses, thereby to make it appear the Desire of the City; and, to speak truth, they had strangely Exasperated the City against him, as will appear by the Petition which follows.

To the most Honourable Assembly of the Lords and Commons in this present Parliament.

The humble Petition of divers Citizens of London

SHEWETH,

THat notwithstanding His Majesties Gracious Answer, to the humble Petition of his Loyal Subjects, in Summoning this Parliament, with the great Care and Endeavoured pains taken by both Houses, for the removing the heavy Grievances in Church and Common-wealth; whereof the Petitioners have already received some Fruit, for which they desire to return their most humble and utmost Thanks; yet nevertheless they are enforced, with all Humility, to represent to this most Honourable Assembly, some of those

Saturday,
April 24.

The first Petition of the Citizens against the Earl of Strafford, April 24.

those Obstructions which do still hinder that freedom and fulness of Trade in this City they have formerly had, and, which considering the numerous multitude thereupon depending, they conceive it not able comfortably to subsist.

As the unsettled Condition of the Kingdom, even since the Troubles in Scotland, hath caused both Strangers, and also some of our own, who did furnish great sums of money to use, to call it in, and remit much of it by Exchange into Forraign Parts, and stand now in expectation of what the Issue of things may be.

The stopping Money in the Mint, which till then was accounted the safest place, and surest Staple in these parts of the World, still doth hinder the Importation of Bullion; the Scots now disabled to pay such Debts as they owe to the Petitioners, and others in the City; and by reason of the Oppressions exercised in Ireland, their Debts also are detained there.

The English-Trade, by reason of our general Distractions and Fears, is so much decayed, that Country Trades-men cannot pay their Debts in London as formerly.

The great Sums of Money unduly taken by His Majesties Officers and Farmers, for Impositions upon Merchandize Exported and imported, and the want of Relief in Courts of Justice against them.

The drawing out from the City great Sums of Money (which is the Life and Spirit of Trade) for His Majesties Service in the North, and being there employed, is not yet returned.

Besides all which, from what strong and secret Opposition the Petitioners know not; they have not received what so much time and pains might give and cause to hope, but still Incendiaries of the Kingdoms, and other Notorious Offenders, remain unpunished: The Affairs of the Church, notwithstanding many Petitions concerning it, and long Debate about it, remains unsettled; the Papists still Armed, the Laws against them not Executed, some of the most Active of them still at Court, Priests and Jesuits not yet Banished, the Irish Popish-Army not yet Disbanded, Courts of Justice not yet reformed, and the Earl of Strafford, who as now appears, hath Counsell'd the Plundering of this City, and putting it to Fine and Ransom; and said, It would never be well, till some of the Aldermen were hang'd up, because they would not yield to Illegal Levies of Monies, had so drawn out and spent this time in his business, to the very great Charge of the whole Kingdom, and his endeavour to obtain yet more, all which makes us fear there may be practices now in hand to hinder the Birth of your great endeavours, and that we lie under some more dangerous Plot than we can discover.

All which Premisses, with their Fears and Distractions, growing there-from, and from things of the like nature; the Petitioners humbly offer to the most grave Consideration of this most Honourable Assembly, as being the true Causes of decay of Trade, discouragement of Trades-men, and of the great scarcity of Monies, with the Consequences they labour under.

And do humbly pray, That their sad Grievances may be Redressed, the Causes of their Fears removed, Justice executed upon the said Earl, and other Incendiaries and Offenders, the rather, in regard till then the Petitioners humbly conceive neither Religion, nor their Lives, Liberties, or Estates can be secured.

And as in Duty bound, they shall ever pray, &c.

But all they could do notwithstanding the frequent Conferences and Debates, the Lords resolved to hear what the Council would first say upon the Legality of the Bill; upon which this Message was sent to the Commons by Judge Foster and Judge Heath, That their Lordships will be ready to meet at a Conference by a Committee of both Houses at Nine of the Clock upon Thursday Morning in Westminster-Hall, there to hear this House according to their own Offers when they brought up the Bill of Attainder of the Earl of Strafford.

Mr. Hide was this Day sent up to the Lords, to acquaint them with the Fears they have that the Earl of Strafford may design to Escape; That he hath Ships at Sea at Command, and the Guards weak, and to desire he may be made a close Prisoner, and the Guards strengthened.

Wednesday;
April 28.

1641.

Thursday,
April 29.

To which the Lords answered, *They would take it into Examination, and give Directions accordingly.*

Upon *Thursday* the Houses being met at the Hall, the King, Prince and Queen being present, Mr. *St. Johns*, to whom that Province was consigned by the Commons, made his Argument of the Legality of the Bill of Attainder as followeth.

My Lords,

Mr. *St. John's*
Argument at
Law, for pas-
sing the Bill
of Attainder,
April 29.

THE Knights, Citizens, and Burgeses of the Commons House of Parliament, have passed a Bill, for the Attainting of *Thomas* Earl of *Strafford* of High-Treason. The Bill hath been transmitted from them to your Lordships; it concerns not him alone, but your Lordships and the Commons too, though in different respects.

It concerns his Lordship the highest that can be in the Penal Part; so it doth, on the other side, as highly concern your Lordships and the Commons, in that which ought to be the tend'rest, the Judicatory within that, that Judge not them who Judge him, and in that which is most Sacred amongst Men, the Publick Justice of the Kingdom.

The King is to be accounted unto, for the loss of the meanest Member, much more of one so near the Head.

The Commons are concerned in their Account for what is done, your Lordships in that which is to be done.

The business therefore of the present Conference, is to acquaint your Lordships with those things, that satisfy'd the Commons in Passing of this Bill; such of them as have come within my capacity, and, that I can remember, I am Commanded from the Commons at this time, to present unto your Lordships.

My Lords, in Judgment of greatest Moment, there are but two wayes for satisfying those, that are to give them; either the *Lex lata*, the Law already established, or else the use of the same Power for making new Laws, whereby the old at first received life.

In the first consideration of the settled Laws, in the degrees of Punishment, the Positive Law, received by General Consent, and for the Common Good, is sufficient, to satisfy the Conscience of the Judge, in giving Judgment according to them.

In several Countries, there is not the same measure of Punishment, for one and the same Offence; Wilful Murder in *Ireland* it is Treason, and so is the wilful Burning of a House, or a Stack of Corn: In the Isle of *Man* it is Felony to Steal a Hen, but not to Steal a Horse; and yet the Judge in *Ireland*, hath as just a Ground to give Judgment of High-Treason in those Cases there, as here to give Judgment only of Felony; and in the Isle of *Man* of Felony for the Hen, as here for Petty-Larceny.

My Lords, in the other Consideration of using the Supream Power, the same Law gives Power to the Parliament to make new Laws, that enables the inferiour Court, to Judge according to the old. The Rules that guides the Conscience of the inferiour Court is from without, the Prescripts of the Parliament, and of the Common-Law; in the other, the Rule is from within, that *Salus Populi* be concerned, that there be no wilful oppression of any of the Fellow-Members, that no more Blood be taken than what is necessary for the Cure; the Laws and Customes of the Realm as well enable the Exercise of this, as of the Ordinary and Judicial Power.

My Lords, What hath been said, is, because that this proceeding of the Commons by way of Bill, implies the use of the meer Legislative Power, in respect new Laws are for the most part past by Bill.

This, My Lords, though just and legal, and therefore not wholly excluded; yet it was not the only ground that put the Commons upon the Bill, they did not intend to make a new Treason, and to condemn my Lord of *Strafford* for it; they had in it other considerations likewise, which were to this effect.

First,

from the Scotch Rebellion to the King's Murther.

First, The Commons knew, that in all former Ages, if doubts of Law arose of great and general concernments, the Parliament was usually consulted withal for resolution, which is the reason that many Acts of Parliament are only Declarative of the Old Law, not Introductive of a New, as the great *Charter* of our Liberties; The Statute of Five and Twentieth year of *Edward* the Third of Treasons; The Statute of the Prerogative, and of late the Petition of Right; if the Law were doubtful in this Case, they perceived the Parliament (where the old way is altered, and new Laws made) the fittest Judge to clear this Doubt.

1641.

Secondly, My Lords, they proceeded this way, to obviate those Scruples and Delayses, which through disuse of proceedings of this nature, might have risen in the manner and way of proceedings, since the Statute of the First of *Hen.* 4. Cap. 17. and more fully in the Roll, number 144. The proceedings of *Parliament* have usually been upon an Indictment first found, though in Cases of Treason particularly mentioned in the Statute of 25 *Edw.* 3. which had not been done in this case; doubts likewise might rise, for Treasons, not particularly mentioned in the Statute of 25 *Edw.* 3. whether the Declaratory Power of Parliament be taken away, in what manner they were to be made, and by whom, they find not any Attainders of Treason in Parliament, for near this 200 years, but by this way of Bill; and again, they know that whatsoever could be done any other way, it might be done by this.

Thirdly, In respect of the Proofs and Depositions, that have been made against him; for First, although they knew not, but that the whole Evidence which hath been given at the Bar, in every part of it, is sufficiently comprehended within the Charge, yet if therein they should be mistaken, if it should prove otherwise, use may justly be made of such Evidence in this way of Bill, wherein so as Evidence be given in, it's no way requisite that there should have been any Articles or Charge at all; and so in the case of double Testimony upon the Statute of the 1 *Edw.* 6. whether one direct Witness with others, to circumstances, had been single or double Testimony? And although single Testimony might be sufficient to satisfy private Consciences, yet how far it would have been satisfactory in a judicial way, (where forms of Law are more to be stood upon) was not so clear; whereas in their way of Bill, private satisfaction to each man's Conscience is sufficient, although no Evidence had been given in at all.

My Lords, The proceeding by way of Bill, it was not to decline your Lordships Justice in the judicial way, in these exigends of the State and Kingdom; it was to Husband time, by silencing those doubts, they conceived it the speediest and surest way.

My Lords, these are in effect, the things the Commons took into their Consideration, in respect of the manner and way of Proceeding against the Earl.

In the next place I am to declare unto your Lordships, the things they took into their Considerations, in respect of the Matter and Merits of the Cause, and they are comprehended within these six heads.

1. That there is a Treason within the Statute of 25 of *Edw.* III. by Levying of War upon the Matter of the 15th Article.

2. If not by actual levying of War, yet by advising, and declaring his intention of War, and that by *Savil's* Warrant, and advice of bringing over the *Irish* Army upon the Matter in the 23d Article; then intending of a War, if not within the clause of levying of a War, in the Statute of 25th *Edw.* 3. yet within the first Treason, of compassing the death of the King.

3. If either of these two single Acts, is within the Statute of 25th *Edw.* 3. yet upon putting all together, which hath been proved against him, that there is a Treason within the first Clause, of Compassing the death of the King.

Et si non Prosunt singula juncta juvant.

1641.

4. That he hath Sess'd, and laid Soldiers upon the Subjects of *Ireland*, against their Will, and at their Charge, within the *Irish* Statute of the 18th year of *Hen. 6th*. that both Person and thing are within the Statute; That the Statute remains in force to this day, that the parliament here hath cognizance of it, and that even in the ordinary way of Judicature, that if there be a Treason and a Traitor, that the want of Jurisdiction, in the judicial way, may justly be supplied by Bill.

5. That his endeavouring to subvert the Fundamental Laws and Government of the Realms of *England* and *Ireland*; and instead thereof, to introduce a Tyrannical Government against Law, is Treason by the Common-Law; That Treasons at the Common-Law are not taken away by the Statute of 25th *Edw. 3.* 1 *Hen. 4th*. &c. nor any of them.

6. That as this case stands, it's just and necessary to resort to the Supream Power in Parliament, in case all the rest should fail.

Of these six, five of them are Treason, within the compass of the Laws already established, Three within the Statute of 25th *Edw. 3.* and one within the *Irish* Statute, the other by the Common-Law of *England*.

If but any one of these Six Considerations hold, the Commons conceive, that upon the whole matter, they had good cause to pass the Bill.

My Lords, For the first, of Levying War, I shall make bold to read the case to your Lordships before I speak to it, It's thus. The Earl did by Warrant under his Hand and Seal, give Authority to *Robert Savil*, a Sergeant at Arms, and his Deputies, to Sess such numbers of Soldiers, Horse and Foot, of the Army in *Ireland*, together with an Officer, as the Sergeant should think fit, upon His Majesties Subjects of *Ireland*, against their Will; this Warrant was granted by the Earl to the end, to compel the Subjects of *Ireland* to submit, to the unlawful Summons and Orders made by the Earl upon Paper Petitions, exhibited to him in case of private interest between party and party; this Warrant was executed by *Savil* and his Deputies, by Sessing of Soldiers, both Horse and Foot, upon divers of the Subjects of *Ireland* against their Wills, in Warlike manner, and at divers times the Soldiers continued upon the parties, upon whom they were sessed, and wasted their Goods, until such time as they had submitted themselves, unto those Summons and Orders.

My Lords, This is a Levying War within the Statute of 25th *Edw. 3.* The words of the Statute are, *If any man do Levy War against our Lord the King in His Realm, this is declared Treason.*

I shall endeavour in this to make clear to your Lordships,

1. What shall be Levying of War, in respect of the motive or cause of it.

2. What shall be said a Levying of War, in respect of the action or thing done.

3. And in the third place, I shall apply them to the present case.

It will be granted in this Levying of War, that Forces may be raised, and likewise used in Warlike manner, and yet no Levying of War within the Statute, that is, when the Forces are raised and employed upon private ends, either of revenge or interest.

Before the Statute in *Edw.* the 1 time, the Title of a Castle was in difference between the Earls of *Hereford* and *Gloucester*, for the maintaining of the possession on the one side, and gaining of it on the other; Forces were raised on either side of many hundred Men; they marched with Banners displayed, one against another. In the Parliament, in the 20th of *Edward 1.* this was adjudged only Trespass, and either of the Earls Fined 1000 Marks apiece.

After the Statute in *Hillary Term*, in the 15th year of *Edw.* the 3. in the *King's-Bench Rot. 3.* *Nicholas Huntercome* in Warlike manner with 40 men, armed amongst other weapons, with Guns (so ancient, as appears by that Record, they were) did much spoil in the Mannor of the Abby of *Dorchester*, in the County of *Oxford*, this was accounted no Treason, and so it hath been held by the Judges, That if one or more Town-ship, upon pretence of saving their Commons, do in a forcible and Warlike manner throw in inclosers, this is only a Riot, no Treason.

The

The words of the Statute 25 *Edw. 3.* clear this point, that if any man ride Armed openly or secretly with men at Arms, against any other, to kill and rob, or to detain him until he hath made Fine and Ransome for his deliverance, this is declared not to be Treason, but Felony or Trespass, as the Case shall require: all the printed Statutes which have it covertly or secret, are misprinted, for the words in the Parliament Roll, as appears in the 17th. are, *Discoverment on Secretment*, Open or Secretly.

I 6. 4. 1.

So that my Lords, in this of Levying War, the Act is not so much to be considered, but as in all other Treasons and Felonies, *quo animo*, with what intent and purpose?

Object.

My Lords, If the end be considerable in Levying War, it may be said that it cannot be a War, unless against the King, for the words of the Statute are, *If any man Levy War against the King.*

That these words extend further than to the person of the King, appears by the words of the Statute, which in the beginning declares it to be Treason, to compass and imagine the death of the King, and after other Treasons, this is to be declared to be Treason, to Levy War against the King; If Levying of War, extend no further than to the person of the King, these words of the Statute are to no purpose, for then the first Treason of compassing the King's death, had fully included it before, because that he which Levies War against the Person of the King, doth necessarily compass his death.

Ans.

It's a War against the King, when intended for alteration of the Laws or Government in any part of them, or to destroy any of the great Officers of the Kingdom. This is a Levying War against the King.

1. Because the King doth protect and maintain the Laws in every part of them, and the great Officers, to whose care, he hath in his own stead, delegated the execution of them.

2. Because they are the King's Laws, he is the Fountain from whence in their several Channels, they are derived to the Subject: all our Indictments run thus, Trespasses laid to be done, *Contra pacem Domini Regis*, the King's Peace for exorbitant offences, though not intended against the King's Person, against the King, His Crown and Dignity.

My Lords, this construction is made good, by divers Authorities of great weight, ever since the Statute of 25th of *Edw. 3.* downwards.

In *Richard the 2d* time, Sir *Thomas Talbot* conspired the death of the Dukes of *Gloucester* and *Lancaster*, and some other of the Peers; for the effecting of it, he had caused several People in the County of *Chester*, to be Armed in Warlike manner in Assemblies in the Parliament, held in the 17th year of *R. 2.* No 20. Sir *Thomas Talbot* being Accused of High-Treason for this: It's there declared, insomuch as one of them was Lord High Steward of *England*, and the other High Constable, that this was done in destruction of the Estates of the Realm, and of the Laws of the Kingdom, and therefore adjudged Treason, and the Judgment sent down into the *King's Bench*, as appears, *Easter Term*, in the 17th year of *R. 2.* in the *King's-Bench Rot. 16th.* These two Lords had appeared in the 11th of *R. 2.* in maintainance of the Act of Parliament made in the year before, one of them was of the Commissioners appointed by Parliament, and one of the Appealors of those who would have overthrown it.

The Duke of *Lancaster* likewise was one of the Lords, that was to have been Indicted of Treason, for endeavouring the maintenance of it; and therefore conspiring of their deaths, is said to be in destruction of their Laws; This there is declared to be Treason, that concerned the Person of the King and Common-wealth.

In that great insurrection of the Villains, and meaner People, in *Richard the II.* time, they took an Oath, *Quod Regi & Communibus fidelitatem servarent*, to be true to the King and Commons, and that they would take nothing but what they paid for, punished all theft with death; here's no Intendment against the Person of the King; The intent was, to establish the Laws of Villanage and Servitude, to burn all the Records, to kill the Judges: This in the Parliament of the 5th year of *R. 2.* No 31, 32. the First Part, is declared to be Treason against the King, and against the Law.

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In the 11th year of R. 2. in Parliament, the raising of Forces against the Commissioners, appointed by Act of Parliament the year before, adjudged Treason by the Judges.

The Statute 1mo *Mary Cap.* 12. Enacts, That if 12 or more shall endeavour by force, to alter any of the Laws or Statutes of the Kingdom, he shall from such a time there limited, be adjudged only as a Felon. This Act was to continue but to the next Parliament, it is expired, it shews by the words only, that the offence was higher before the making it.

My Lords, In Queen *Elizabeths* time, *Grant* and divers Apprentices of *London*, to the number of 200. rose, and assembled at *Tower-hill*, carried a Cloak upon a Pole instead of a Banner, their intent was to deliver divers Apprentices out of Prison, that had been committed upon a Sentence in the *Star-Chamber* for Riots, to kill the Lord Major of *London*, and for setting prizes on Victuals. In *Trinity Term*, 37 *Eliz.* divers of the Judges were consulted withal, and resolved, That this was a Levying of War against the Queen, being intended against the Government and Officers of the Queen, and therefore *Grant* and others were executed as Traytors.

Afterwards, in that Queens time, divers of the County of *Oxford* consulted, to go together from House to House in that County, and thence to *London* and other parts, to excite them to take up Arms, for the throwing in of all inclosures throughout *England*. Nothing was done, nor no assembly. Yet the Statute of 13 *Eliz. Cap.* 1. during the Queens Life, made it Treason, to intend, or advise to Levy War against the Queen.

In *Easter Term* 39 of *Eliz.* all the Judges of *England* met about the Case, it was resolved by them, that this was a War intended against the Queen; they agreed, That if it had been of one Township or more, upon private interest, and claim of right of Common, it had not been Treason, but this was to throw in all Inclosures through the Kingdom, whereunto these parties should pretend no claim. That it was against the Law, in regard that the Statute of *Merton* gave power of Inclosures in many Cases: upon this resolution *Bradshaw* and *Burton* were executed at *Aynestownhill* in *Oxfordshire*, the place where they intended the first Rendezvous.

So that my Lords, if the end of it be to overthrow any of the Statutes, any part of the Law and settled Government, or any of the great Officers intrusted with the execution of them, This is a War against the King.

My Lords, It will be further considerable, what shall be accounted a Levying of War, in respect of the Actions and things done; there's a design to alter some part of the Laws, and present Government, for the effecting thereof, People be provided of Arms, gathered together into Troops, but afterwards march not with Banners displayed, nor do *Bellum percutere*, whether the Army themselves, and gathering together upon this design, be a War, or such prosecution of the Design with force as makes it Treason within the Statute?

First, If this be not a War, in respect that it necessarily occasions hostile preparations on the other side.

Secondly, From the words of the Statute, shall Levy War, and be thereof probably Attainted of open Deed, by People of their condition; although the bare conspiring be not an open Deed, yet whether the Arming and drawing of men together, be not an open Declaration of War?

In Sir *Thomas Talbot's* Case before cited, in the Seventeenth year of R. II. the Acts of Force are expressed in the Parliament Roll; That he caused divers of the People of the County of *Chester*, to be Armed in a Warlike manner in Assemblies, here is no Marching, no Banners displayed.

In the Eighth year of *Hen. VIII.* *William Bell* and *Thomas Lacy* in *Com. Ranc.* conspired with *Thomas Cheyney*, called the *Hermet of the Queen of Faries*, to overthrow the Law and Customs of the Realm; and for the effecting of it, they with Two hundred more, met together and concluded upon a course of raising greater Forces in the County of *Kent*, and the adjacent Shires: This adjudged Treason; these were open Acts.

My

My Lords, For the application of both these, to the case in question :

1641.

First, In respect of the end of it ; here was a War against the King, it was to subvert the Laws, this being the design ; for the effecting of it, he assumed to his own Person an Arbitrary Power over the Lives, Liberties, and Estates of His Majesties Subjects, and determined Causes upon Paper-Petitions, at his own Will and Pleasure ; Obedience must be forced by the Army, this is declared by the Warrant.

My Lords, If it be said that the Warrant expresseth not any intent of subverting the Laws ; It expresseth fully one of the principal means, whereby this was to be done, that is, obedience to his Arbitrary Orders upon Paper-Petitions ; This was done in reference to the main design.

In the cases of the Town of *Cambridge* and Sir *William Cogan*, they have formerly been cited to your Lordships upon other occasions, the things in themselves were not Treason, they were not a Levying of War.

In that of *Cambridge*, the Town met together, and in a forcible manner broke up the University-Treasury, and took of it the Records, and Evidences of the Liberties of the University over the Town.

In the other, they of *Bridgewater* marched to the Hospital, and compelled the Master of the Hospital, to deliver unto them certain Evidences that concerned the Town, and forced him to enter into a Bond of 200 l.

These if done upon these private ends alone, had not been a Treason, as appears by the very words of the Statute of 25 *Edw.* 3. before mentioned, of marching openly or secretly.

But my Lords, these of *Cambridge* and *Bridgewater*, they were of the conspiracy with the Villains, as appears in the Parliament Roll of the First year of *Richard* the 2d. Number 311. and 32. where the Towns of *Cambridge* and *Bridgewater*, are expressly excepted out of the general Pardon made to the Villains ; this being done in reference to that design of the Villains, of altering the Laws ; this was that which made it Treason.

If the design went no further, than the enforcing Obedience to these Paper-Orders made by himself, it was sufficient it was to subvert one fundamental part of the Law ; nay, in effect the whole Law ; what use of Law, if he might order and determine of Mens Estates at his own pleasure ? This was against the Law notoriously declared in *Ireland*.

In the close Roll in the *Tower*, in the 25th year of *Edward* the 1. a Writ went to the Justices in *Ireland* (that Kingdom at that time was governed by Justices) declaring, That upon Petitions they were not to determine any Titles between party and party, upon any pretence of profit whatsoever to the King.

In the Eight and twentieth year of *Hen.* the 6th. Chap. 2. Suits in Equity not before the Deputy, but in *Chancery* ; Suits at Common-Law, not before him, but in cases of Life in the *Kings-Bench* ; for Title of Lands or Goods in the proper Courts of the *Kings-Bench*, or *Common-Pleas*.

This declared in the Instructions for *Ireland*, in the latter end of King *James* His time, and by the Proclamation in His Majesties time ; my Lord took notice of them, called the Commissioners narrow-hearted Commissioners.

The Law said, He should not thus proceed in the subversion of it, he saith he will, and will enforce Obedience by the Army, this is as much, in respect of the end, as to endeavour the overthrow of the Statutes of Labourers, of *Vi-ctuals*, or of *Merton* for Inclosures ; here is a Warrant against the King, in respect of the end.

Secondly, In respect of the Actions, whether there be either a Levying of War, or an open Deed, or both.

My Lords, There was an Army in *Ireland* at that time, of Two thousand Horse and Foot, by this Warrant there is a full designation of this whole Army, and an Assignment of it over to *Savil* for this purpose.

The Warrant gives him power from time to time, to take as many Soldiers, Horse and Foot, with an Officer throughout the whole Army, as himself shall please ; here is the terror and awe of the whole Army to enforce Obedience.

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1641.

My Lords, If the Earl had Armed two thousand men Horse and Foot, and formed them into Companies to this end, your Lordships would have conceived, that this had been a War. It's as much as in the Case of Sir Thomas Talbot, who armed them in Assemblies.

This is the same with a breach of Trust added to it.

That Army which was first raised, and afterwards committed to his Trust, for the Defence of the People, is now destined by him to their destruction. This assignation of the Army by his Warrant, under his Hand and Seal, is an open Act.

My Lords, Here's not only an open Act done, but a Levying of War, Soldiers, both Horse and Foot, with an Officer in Warlike manner assailed upon the Subject, which killed their Cattel, consumed and wasted their Goods.

Your Lordships observe a great difference, where six men go upon a design alone, and when sent from an Army of six hundred, all engaged in the same service, so many were sent as were sufficient to execute the Command, if upon a poor man fewer, more upon a rich; if the six had not been able, the whole Army must make it good. The reason that the Sheriff directed alone, or but with one Bayliff to do execution, is, because he hath the Command of the Law, the King's Writ, and the *Posse Comitatus* in case of resistance. Here's the Warrant of a General of an Army; Here's the *Posse Exercitus*, the Power of the Army, under the awe of the whole Army, six may force more then sixty without it; and although never above six in one place, yet in several parts of the Kingdom at the same time, might be above sixty; for felling of Soldiers was frequent, it was the ordinary course for execution of his Orders.

The Lord-Lieutenant of a County in *England*, hath a design to alter the Laws and Government; nay, admit the design goes not so high, he only declares thus much, he will order the Freeholders and Estates of the Inhabitants of the County, at his own will and Pleasure, and doth accordingly proceed upon Paper-Petitions, foreseeing there will be disobedience, he grants out Warrants under his Hand and Seal, to the Deputy-Lieutenants and Captains of the Trained-bands, that upon refusal, they will take such number of the Trained-bands through the County, with Officers, as they shall think good, and lay them upon the Lands and Houses of the refusers, Soldiers in a Warlike manner are frequently felled upon them accordingly; your Lordships do conceive, that this is a Levying of War within the Statute.

The Case in question goes further in these two Respects.

That it is more against the declared Law in *Ireland*, not only against the Common-Law, but likewise against the Statute of 28 *Hen. 6th.* against the Acts of the Commissioners; against Proclamations in pursuance of the Law; against that himself took notice of narrow-hearted Commissioners.

In this, that here was an Army, the Soldiers by profession, Acts of Hostility from them of greater terror, than from Freeholders of the same County.

My Lords, I have now done with the First of Levying of War.

The Second is the Machination, the advising of a War.

The Case in this, rests upon a Warrant to *Savile*, and the advice in the 23 *Article*.

The Warrant shews a resolution of imploying the old Army of *Ireland*, to the oppression of his Majesties Subjects, and the Laws.

In the 23^d *Article*, having told his Majesty, that he was loosed and absolved from Rules of Government, and might do every thing which Power might admit, he proceeded further in Speech to his Majesty in these words; *You have an Army in Ireland, you may employ to reduce this Kingdom.*

My Lords, Both being put together, there's a Machination, a practise and advice to Levy War, and by force to oppress and destroy his Majesties Subjects.

It hath been said, the Statute of the 25 *Edw. 3.* is a penal Law, and cannot be taken by equity and construction, there must be an actual War; the Statute makes it Treason to counterfeit the King's Coin, the conspiring, the raising of Furnaces is no Treason, unless he doth *Nummum percutere*, actually Coin.

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My Lords, This is only said, not proved, the Law is otherwise, the 19th Hen. 6. fol. 49. there adjudged, That the conspiring and aiding to counterfeit Coin was Treason, and Justice *Stamford* (fol. 331. & 44.) is of opinion, that this, or the conspiring to counterfeit the Great Seal, is Treason. The Statute is, If any shall counterfeit the Great Seal, conspiring to do it by the Book, is Treason; if a man take the Broad Seal from one Patent, and put it to another, here is no counterfeiting, it's *tantamount*, and therefore Treason, as is adjudged in 2 Hen. 4. fol. 25. and by the opinion of *Stamford*, If Machination or Plotting a War be not within that clause of the Statute of Levying of War, yet is within the first, of compassing the death of the King, as that which necessarily tends to the destruction both of King and People, upon whose safety and protection he is to engage himself. That this is Treason, hath been adjudged, both after the Statutes of 1 Hen. 4. Cap. 10. and 1 Queen Mary; so much insisted upon on the other side. In the Third year of King Henry 4th, one *Balsal* coming from London, found one *Bernard* at Plough, in the Parish of *Osfey*, in the County of *Hertford*. *Bernard* asked *Balsal* what news? he told him, that the news was, That *Richard* the Second was alive in Scotland (which was false, for he was dead,) and that by Midsummer next, he would come into England; *Bernard* asked him, What were best to be done? *Balsal* answered, Get Men, and go to King *Richard*. In Michaelmas Term, in the Third year of Hen. 4th, in the Kings-Bench Rot. 4. This advice of War adjudged Treason.

1641.

In Queen Mary's time, Sir *Nicholas Throckmorton* conspired with Sir *Thomas Wyatt*, to Levy War within this Realm for alteration in Religion, he joyned not with him in the execution. This conspiracy alone declared to be Treason by all the Judges; this was after the Statute of Queen Mary, so much insisted upon.

That Parliament ended in October, this opinion was delivered the Easter Term following, and is reported by Justice *Dyer*, fol. 98. It's true, Sir *Thomas Wyatt* afterwards did Levy War; Sir *Nicholas Throckmorton* he only conspired. This adjudged Treason.

One Story in Queen Elizabeth's time practised with Foreigners, to Levy War within this Kingdom, nothing done in pursuance of the practice. The intent without any adhering to enemies of the Queen, or other cause, adjudged Treason, and he executed thereupon.

It's true my Lords, that year 13 Eliz. by Act of Parliament it's made Treason, to intend the levying of War; this Case was adjudged before the Parliament: The Case was adjudged in Hillary Term; the Parliament begun not till the April following. This my Lords, is a Case judged in point, that the practising to Levy War, though nothing be done in execution of it, is Treason.

Object. It may be objected, That in these Cases, the Conspiring being against the whole Kingdom, included the Queen, and was a Compassing Her destruction; as well as of the Kingdoms, here the advice was to the King.

Object.

Ans. The Answer is first, That the Warrant was unknown to His Majesty, that was a Machination of War against the People and Laws, wherein His Majesty's Person was engaged for protection.

Ans.

Secondly, That the advice was to his Majesty, aggravates the Offence, it was an Attempt which was the Offence; it was an Attempt not only upon the Kingdom, but upon the Sacred Person and His Office too; himself was *hostis patriæ*, he would have made the Father of it so to: Nothing more unnatural nor more dangerous, than to offer the King Poyson to drink; telling him that it is a Cordial is a passing of his death: the Poyson was repelled, there was an Antidote within; the Malice of the giver beyond expression. The perswading of Foreigners to invade the Kingdom, hold no proportion with this Machination of War; against the Law or Kingdom, is against the King, they cannot be severed.

My Lords, If no actual War within the Statute, if the Connselling of War, if neither of these single Acts be Treason within the Statute, The Commons, in the next place, have taken it into consideration, what the addition of his

1641.



other Words, Counsels, and Actions do operate in the Case, and have conceived, that with this Addition, all being put together, that he is brought within the Statute of 25 E. 3.

The words of the Statute are, *If any Man shall Compass, or Imagine the death of the King*; the words are not, *If any Man shall Plot, or Counsel the Death of the King*; No; my Lords, they go further than to such things as are intended immediately, directly, and determinatively against the Life and Person of the King, they are of a larger extent; to compass, is to do by Circuit, to Consult or Practise another thing directly, which being done, may necessarily produce this effect.

However it be in the other Treasons within this Statute, yet in this, by the very words, there is room left for constructions, for necessary inferences and consequences.

What hath been the Judgment and Practice of former times, concerning these words, of compassing the Kings Death, will appear to your Lordships, by some Cases of Attainders upon these words.

Owen's Case
of Sandwich
in Kent.

One Owen, in King James His time, in the 13th year of His Reign, at Sandwich in Kent, spake these words, That King James being Excommunicated by the Pope, may be killed by any Man, which killing is no Murther: Being asked by those he spake to, how he durst maintain so Bloody an Assertion? Answered, That the matter was not so heinous as was supposed; for, the King who is the Lesser, is concluded by the Pope, who is the Greater; and, as a Malefactor, being Condemned before a Temporal Judge, may be delivered over to be Executed; So the King, standing Convicted by the Popes Sentence of Excommunication, may justly be slaughtered without fault; for, the Killing of the King, is the Execution of the Popes Supream Sentence, as the other is the Execution of the Law. For this, Judgment of High Treason was given against him, and Execution done.

My Lords, there is no clear intent appearing, that Owen desired the thing should be done, only Arguments that it might be done, this is a Compassing, there is a clear Endeavour to corrupt the Judgment, to take off the Bonds of Conscience, the greatest security of the Kings Life; God forbid, saith one of better Judgment then he, that I should stretch out my hand against the Lords Anointed: No, saith he, the Lord doth not forbid it, you may, for these Reasons, lawfully kill the King.

He that denies the Title to the Crown, and plots the means of setting it upon anothers head, may do this without any direct, or immediate desiring the death of Him that wears it; yet this is Treason, as was adjudged in the 10 of Hen. 7, in these of Burton, and in the Duke of Norfolk's Case, 13 Eliz.

This is a compassing of His Death; for there can no more be two Kings in one Kingdom, then two Suns in the Firmament: he that conceives a Title, counts it worth venturing for, though it cost him his life: he that is in possession thinks it as well worth the keeping. John Sparhawk, in King Henry the Fourth's time, meeting two men upon the way, amongst other talk, said, That the King was no rightful King, but the Earl of March; and that the Pope would grant Indulgencies to all, that could assist the Earl's Title, and that within half a year there would be no Liveries nor Cognizances of the King; that the King had not kept promise with the People, but had laid Taxes upon them.

In Easter-Term, in the third year of Henry the Fourth, in the Kings Bench, Rot. 12. this adjudged Treason, this denying the Title with Motives, though not impliedly of Action against it, adjudged Treason; this is a compassing the Kings death.

How this was a compassing of the Kings Death, is declared in the Reasons of the Judgment; that the words were spoken with an intent, to withdraw the affections of the people from the King, and to excite them against him, that in the end they might rise up against him *in mortem & destructionem* of the King.

My Lords, in this Judgment, and others, which I shall cite to your Lordships, it appears, that it is a compassing the Kings death by Words, to endeavour to draw the Peoples hearts from the King, to set discord between the King and them, whereby the People should leave the King, should rise up against him, to the death and destruction of the King.

The

The Cafes that I fhall cite, prove not only that it is Treafon, but what is fufficient Evidence to make this good.

Upon a Commiffion held the 18th year of *Ed. 4.* in *Kent*, before the Marquefs of *Dorfer*, and others, an Indictment was preferred againft *John Awater*, of High-Treafon, in the Form before-mentioned, for Words, which are entered in the Indictment *Sub hac forma*: That he had been fervant to the Earl of *Warwick*; that though he were dead, the Earl of *Oxford* was alive, and fhould have the Government of part of that Country; That *Edward*, whom you call King of *England*, was a falfe Man, and had by Art and Subtilty, flain the Earl of *Warwick*, and the Duke of *Clare* his Brother, without any caufe, who before had been both of them attainted of High-Treafon.

My Lords, This Indictment was Returned into the Kings-Bench in *Trinity Term*, in the Eighteenth year of *Edward* the Fourth; and, in *Eafter-Term*, the Two and twentieth of *Edward*, the Fourth, he was outlawed, by the ftay of the outlawry, fo long as it feems the Judges had well advifed before, whether it were Treafon or not.

At the fame Seflion *Thomas Heber* was Indicted of Treafon for thefe words, That the laft Parliament was the moft fimple and infufficient Parliament that ever had been in *England*; That the King was gone to live in *Kent*, becaufe that for the prefent he had not the love of the Citizens of *London*, nor fhould he have it for the future: That if the Bifhop of *Bath and Wells* were dead, the Archbifhop of *Canterbury* being Cardinal of *England*, would immediately lofe his head.

This Indictment was returned into the Kings-Bench in *Trinity-Term*, in the 18th year of *Edward* the 4th: afterwards there came a Privy-Seal to the Judge to refpit the Proceedings, which (as it fhould feem) was to the intent the Judges might advife of the Cafe, for afterwards he is outlawed of High-Treafon upon this Indictment.

Thefe words are thought fufficient evidence, to prove thefe feveral Indictments, that they were fpoken to withdraw the Peoples Affections from the King, to excite them againft him, to caufe Rifings againft him by the People, *in mortem & destructionem* of the King.

Your Lordfhips are pleafed to confider; That in all thefe Cafes, the Treafon was for words only, words by private Perfons, and in a more private manner, but once fpoken, and no more, only amongst the People, to excite them againft the King.

My Lords, here are Words, Counfels, more then Words and Actions too, not only to difaffect the people to the King, but the King likewise towards the People; not once, but often; not in private, but in places moft Publick; not by a private perfon, but by a Counfellor of State, a Lord-Lieutenant, a Lord-President, a Lord-Deputy of *Ireland*.

1. To His Majefty, that the Parliament had denyed to fupply Him: a Slander upon all the Commors of *England*, in their Affections to the King and Kingdom, in refufing to yield timely fupply for the neceffities of the King and Kingdom.

2. From thence, that the King was loofe, and abfolved from Rules of Government, and was to do every thing, that Power would admit. My Lords, more cannot be faid, they cannot be aggravated; whatever I fhould fay would be in Diminution.

3. Thence you have an Army in *Ireland*, you may employ to reduce this Kingdom.

To Counsel a King, not to Love His People, is very Unnatural, it goes higher to hate them, to Malice them in his heart, the higheft expreffions of Malice, to deftroy them by War. Thefe Coals they were caft upon his Majefty, they were blown, they could not kindle in that Breaft.

Thence, my Lords, having done the utmoft to the King, he goes to the people. At *York*, the Country being met together for Juftice, at the Open Affifes upon the Bench, he tells them, fpeaking of the Juftices of the Peace, that they were all for Law, nothing but Law, but they fhould find, that the Kings Little Finger, fhould be heavier then the Loyns of the Law, as they fhall find. My Lords, Who fpeaks this to the People, a Privy-Counfellor? this muft be either to traduce His Majefty to the People, as fpoken from him, or from himfelf,

1641.

who was Lord-Lieutenant of the County, and President, intrusted with the Forces and Justice of those parts, that he would Employ both this way. Add, my Lords, to his Words there, the Exercising of an Arbitrary and Vast Jurisdiction, before he had so much as Instructions, or Colour of Warrant.

Thence we carry him into *Ireland*; there he Represented, by his place, the Sacred Person of his Majesty.

First. There at *Dublin*, the Principal City of that Kingdom, whither the Subjects of that Country came for Justice in an Assembly of Peers, and others of greatest Rank, upon occasion of a Speech of the Recorder of that City, touching their Franchises and Regal Rights; he tells them, That *Ireland* was a Conquered Nation, and that the King might do with them what he pleased.

Secondly, Not long after, in the Parliament 10 *Car.* in the Chair of State, in full Parliament again, That they were a Conquer'd Nation; and that they were to expect Laws as from a Conqueror, before the King might do with them what he would, now they were to expect it that he would put this Power of a Conqueror in Execution: — The Circumstances are very Considerable; in full Parliament; from himself in *Cathedra*, to the Representative Body of the whole Kingdom.

The Occasion adds much, when they desir'd the Benefit of the Laws, and that their Causes and Suits might be determined according to Law, and not by himself, at his Will and Pleasure, upon Paper-Petitions.

Thirdly, Upon like occasion, of Pressing the Laws and Statutes, that he would make an Act of Council-Board in that Kingdom, as Binding as an Act of Parliament.

Fourthly, He made his Words good by his Actions, Assumed and Exercised a Boundless and Lawless Jurisdiction, over the Lives, Persons and Estates of His Majesties Subjects, procured Judgment of Death against a Peer of that Realm; Commanded another to be Hanged, this was accordingly Executed, both in times of High Peace, without any Process or Colour of Law.

Fifthly, By Force, of a long time, he Seized the Yarn and Flax of the Subjects, to the Starving and undoing of many thousands; besides the Tobacco business, and many Monopolies and Unlawful Taxes; forced a New Oath, not to dispute His Majesties Royal Commands; determined Mens Estates at his own Will and Pleasure, upon Paper-Petitions to himself; forced Obedience to these, not only by Fines and Imprisonment, but likewise by the Army; felled Soldiers upon the Refusers in an Hostile manner.

Sixthly, Was an Incendiary of the War between the two Kingdoms of *England* and *Scotland*.

My Lords, We shall leave it to your Lordships Judgments, whether these words, Counsels, and Actions, would not have been a sufficient Evidence, to have Proved an Indictment drawn up against him, as those before mentioned, and many others are? That they were spoken and done to the Intent, to draw the King's heart from the People, and the Affections of the People from the King; that they might leave the King, and afterwards rise up against him, to the destruction of the King; if so, here is a Compassing of the King's Death, within the Words of the Statute of 25th year of *Edward* the Third, and that Warranted by many former Judgments.

My Lords, I have now done with the Three Treasons within the Statute of the Twenty fifth of *Edward* the 3^d. I proceed unto the 4th upon the Statute of the Eighteenth year of *Henry* the 6th, Chapter the third, in *Ireland*, and I shall make bold to read the words to your Lordships.

That no Lord, nor any other, of what condition soever he be, shall bring, or lend Hoblers, Kernes, or Hooded Men, nor any other People, nor Horses, to lye on Horseback, or on Foot, upon the King's Subjects, without their good wills and consent,

consent, but upon their own Costs, and without hurt doing to the Commons; and if any so do, he shall be adjudged as a Traytor.

1641.

1. The Argument that hath been made concerning the Person, that it extends not to the King, and therefore not to him, weighs nothing with your Lordships, *Rex non habet in Regno parem*; from the greatness of his Office, to argue himself into the same impossibility with His Sacred Majesty, of being incapable of High-Treason, it's an Offence, no Treason; The words in the Statute, *No Lord, nor any other, of what condition soever he be*, include every Subject.

In *Trinity Term*, in the Three and thirtieth year of *Henry* the Eighth, in the King's-Bench, *Leonard Lord Gray*, having immediately before been Lord-Deputy of *Ireland*, is Attainted of High-Treason, and Judgment given against him, for letting diverse Rebels out of the Castle of *Dublin*, and discharging *Irish* Hostages and Pledges, that had been given for securing the Peace, for not punishing one that said, That the King was an Heretick: I have read the whole Record, there's not one thing laid to his Charge, but was done by him as Lord Lieutenant; He had the same Plea with my Lord of *Strafford*; That these things were no adhering to the King's Enemies, but were done for Reasons of State, that he was not within those words of the Statute of the 25 of *Edw.* 3. himself being Lord-Lieutenant there.

Object. It hath been said, That the Soldiers sessed upon the Subjects by him, were not such persons as are intended by that Statute, *Hoblers, Kernes, and Hooded Men*, those Rascally people.

Answ. My Lords, they were the names given to the Soldiery of those times, *Hoblers, Horsemen*; the other the Foot. But the words of the Statute go further, Nor any other People, neither Horse nor Foot. His Lordship sessed upon them both Horse and Foot.

Object. The Statute extends only to those, that lead or bring; *Savil* led them; my Lord only gave the Warrant.

Answ. To this I shall only say thus, *Plus peccat author, quam Actor*, by the rule of the Law *Agentes & consentientes pari plectuntur poena*; if consent, much more a Command to do it, makes the Commander a Traytor, If there be any Treason within this Statute, my Lord of *Strafford* is Guilty.

It hath been therefore said, That this Statute, like *Goliath's* Sword, hath been wrapt up in a Cloath, and laid behind the door, that it hath never been put in Execution.

My Lords, if the Clerk of the Crown in *Ireland*, hath certified your Lordships upon search of the Judgments of Attainders in *Ireland*, he could not find that any man had been attainted upon this Statute, your Lordships had had some ground to believe it; Yet it's only my Lord of *Strafford's* Affirmation; besides, your Lordships know, that an Act of Parliament binds until it be repealed.

It hath been therefore said; That this Statute is repealed by the Statute of the 8 *Ed.* 4. *Cap.* 1. and of the 10th of *Hen.* 7. *Cap.* 22. because by these two Statutes, the *English* Statutes are brought into *Ireland*.

The Argument (if I mistook it not) stood thus; That the Statute of the First of *Henry* the 4th. the 10th *Chap.* saith, That in no time to come, Treason shall be adjudged otherwise, then it was ordained by the Statute of the 25 *E.* 3. that the reason mentioned in the Eighteenth year of *Henry* the Sixth, in the *Irish* Statute, is not contained in the 25 *Edw.* 3. and therefore contrary to the Statute of the 1 *Hen.* 4. it must needs be void,

If this were Law, then all the Statutes that made any new Treason after the First of *Henry* the 4th, were void in the very Fabrick, and at the time when they were made; hence likewise it would follow, that the Parliament now, upon what occasion soever, have no Power to make any thing Treason, not declared to be so in the Statute 25 *Edw.* 3. This your Lordships easily see, would make much for the Lord of *Strafford's* advantage, but why the Law should be so, your Lordships have only as yet heard an Affirmation of it; no reason.

But,

1641.

But, some touch was given, that the Statute of the Tenth year of *Henry* the Seventh, in words, makes all the *Irish* Statutes void, which are contrary to the *English*. The Answer to this is a denial that there are any such words in the Statute. The Statute declares, that the *English* Statutes shall be effectual, and confirmed in *Ireland*, and that all the Statutes made before-time to the contrary, shall be revoked.

This repeals only the *Irish* Statutes of the Tenth year of *Henry* the Fourth, and the Nine and twentieth year of *Henry* the Sixth, which say, that the *English* Statutes shall not be in force in *Ireland*, unless particularly received in Parliament, it makes all the *Irish* Statutes void, which say, that the *English* Statutes shall not be in force there.

It is usual when a Statute sayes, that such a thing shall be done, or not done, to add further, that all Statutes to the contrary shall be void.

No likelihood that this Statute intended to take away any Statute of Treason, but when in the Chapter next before this, Murder there is made Treason, as if done upon the Kings person.

That this Statute of the Eighteenth year of *Henry* the Sixth remains on foot, and not repealed either by the Statute of the Eighth year of *Edward* the Fourth, or this of the Tenth year of *Henry* the Seventh, appears expressly by two several Acts of Parliament, made at the same Parliament of the tenth year of *Henry* the Seventh.

By an Act of Parliament of *Henry* the Sixth's time in *Ireland*, it was made Treason for any Man whatsoever, to procure a Privy-Seal, or any other Command whatsoever, for apprehending any Person in *Ireland* for Treason done without that Kingdom, and to put any such Command in Execution; divers had been attainted of Treason for executing such Commands: There is a Treason, so made, by Act of Parliament, in *Henry* the Sixth's time. In the third Chapter of this Parliament of the tenth of *Henry* the Seventh, an Act is passed for no other end, then to repeal this Statute of *Henry* the Sixth of Treason.

If this Statute of *Henry* the Sixth of Treason had been formerly repealed by the Statute of 8 E 4. or then by the two and twentieth Chapter of this Parliament of the 10th of *Henry* the Seventh, by bringing in the *English* Statutes, the Law-makers were much mistaken now to make a particular Act of Parliament to repeal it, it being likewise so unreasonable an Act as it was.

In the Eighth Chapter of this Parliament of the 10th of *Henry* the Seventh, it is Enacted, that the Statutes of *Kilkenny*, and all other Statutes made in *Ireland* (two only excepted, whereof this of the Eighteenth of *Henry* the Sixth is none) for the Common-Weal, shall be enquired of, and executed: My Lord of *Strafford* saith, that the bringing in of the *English* Statute hath repealed this Statute; the Act of Parliament made the same time, saith no; it saith, that all the *Irish* Statutes, excepting two, whereof this is none, shall still be in force.

Object. Oh, but however it was in the 10 H. 7. yet it appears by Judgment in Parliament afterwards, that this Statute of 18 H. 6. is repealed, and that is by the Parliament of the 11th year of Queen *Elizabeth* the 7th Chapter, that by this Parliament it is Enacted, That if any Man, without Licence from the Lord-Deputy, lay any Soldiers upon the Kings Subjects, if he be a Peer of the Realm, he shall forfeit one hundred pounds, if under the degree of a Peer, One hundred Marks.

This Statute, as is alleadged, declares the Penalty of laying Soldiers upon the Subjects to be only one hundred pounds, and therefore its not Treason.

Ans. My Lords, if the Offence for which this Penalty of one hundred pounds is laid upon the Offenders, be for laying Soldiers, or leading them to do any Act Offensive or Invasive upon the Kings People, the Argument hath some force; but that the Offence is not for laying Soldiers upon the true Subjects, that this is not the Offence intended in the Statute, will appear to your Lordships *Ex absurdo*, from the words of it.

The

The Words are,

That if any Man shall assemble the People of the County together, to conclude of Peace or War, or shall carry those People to do any Acts Offensive or Invasive, then he shall forfeit One hundred pounds.

If concluding of War, and carrying the people to Acts Invasive, be against the Kings Subjects, this is High-Treason, which are the words of the Statute of 25 E. 3. for if any Subject shall assemble the people, and conclude a War, and accordingly shall lead them to invade the Subject, this is a levying of War within the words of the Statute; and then the Statutes of the 25 E. 3. 1 H. 4. 1 of Queen Mary, which the Earl of *Strafford*, in his Answers, desires to be tryed by, are as well repealed, in this point, as the Statute of the 18th of Henry the Sixth, he might then, without fear of Treason, have done what he pleased with the *Irish Army*; for all the Statutes of levying of War by this Statute of 11 Eliz. were taken out of his way.

In *Ireland* a Subject gathers Forces, concludes a War against the Kings People, actually invades them, bloodshed, burning of houses, depredations ensue; two of those, that is, Murder, and burning of Houses, are Treason; and there the other Felony by the construction the punishment of Treason, and Felony is turned only into a fine of One hundred pounds; from loss of Life, Lands, and all his Goods, only to loss of part of his Goods.

The Third Absurdity, a War is concluded, three several Inrodes are made upon the Subjects; in the first a hundred pounds damage; in the second, five thousand pounds damage; in the third, ten thousand pounds damage, is done to the Subjects; the penalty for the last inroade is no more then for the first, only one hundred pounds. This Statute, by this Construction, tells any man, how to get his living without long labour.

Two parts of the hundred pounds is given to the King, a third part unto the Informer; Here's no damage to the Subject, that is robbed and destroyed.

My Lords, The Statute will free it self and the makers from those Absurdities.

The meaning of the Statute is, That if any Captain shall, of his own head, conclude of Peace or War against the Kings Enemies, or Rebels, or shall, upon his own head, invade them without Warrant from the King, or Lord Deputy of *Ireland*, that then he shall forfeit a Hundred pounds.

The offence is not for laying of Soldiers upon the Kings people, but making War against the *Irish Rebels* without Warrant; the Offence is not in the Matter, but in the Manner, for doing a thing lawful, but without Mission.

I. *This will appear by the general Scope of the Statute, all the parts being put together.*

II. *By particular Clauses in the Statute.*

III. *By the Condition of that Kingdom, at the time of the making of that Statute.*

For the First, The Preamble recites, that in time of Declination of Justice, under pretext of defending the Country and themselves, diverse great Men arrogated to themselves Regal Authority, under the names of Captains; that they acquired to themselves that Government, which belonged to the Crown; for preventing of this, It's Enacted, That no man dwelling within the Shire-Grounds, shall thenceforth assume, or take to himself the Authority or name of a Captain, within these Shire-Grounds, without Letters-Patents from the Crown, nor shall, under colour of his Captainship, make any demand of the people of any Exaction, nor as a Captain, assemble the people of the Shire-Grounds; nor as a Captain shall lead those people to do any acts Offensive or Invasive, without Warrant under the Great-Seal of *England*, or of the Lord-Deputy,

1641.

Deputy, upon penalty, that if he do any thing contrary to that Act, that then the Offender shall forfeit a Hundred pounds.

My Lords, the Rebels had been out; the Courts of Justice scarce sate; for defence of the Country divers usurped the place of Captains, concluded of War against the Rebels, and invaded them without Warrant: Invading the Rebels without Authority, is a crime.

This appears further by particular clauses in the Statute, none shall exercise any Captainship within the Shire-grounds, nor assemble the men of the Shire-grounds, to conclude War, or lead them to any Invasion.

That that had anciently been so continued to this time, that is the Irish, and the English Pale; they within the Shire-grounds were within the English Pale; and *ad fidem & legem Angliae*. The Irish without the Pale were enemies always, either in open act of Hostility, or upon Leagues and Hostages given for securing the Peace, and therefore as here in *England* we had our Marches upon the frontiers in *Scotland* and *Wales*, so were there Marches between the Irish and English Pale, where the Inhabitants held their Lands by this tenure, to defend the Country against the Irish, as appears in the close Roll of the *Tower*, in the 20th year of *Edw. 3. membrana 15.* on the backside, and in an Irish Parliament, held the 42 year of *Edw. 3.* it's declared, That the English Pale was almost destroyed by the Irish enemies, and that there was no way to prevent the danger, but only, that the Owners reside upon their Lands for defence, and that absence should be a forfeiture. This Act of Parliament in a great Council here was affirmed, as appears in the close Roll, the 22 year of *Edw. 3. Membrana 20 dorso.*

Afterwards, as appears in the Statute of 28 *Hen. 6th*, in *Ireland*; this Hostility continued between the English Marches and the Irish Enemies, who by reason there was no difference between the English Marches and them in their Apparel, did daily (not being known to the English) destroy the English within the Pale: Therefore it is enacted, that every English-man shall have the hair of his upper Lip for distinction sake. This hostility continued until the 10th year of *Henry* the 7th, as appears by the Statute of 10 *H. 7th.* and 17th. so successively downwards, till the making of this very Statute of 11 *Eliz.* as appears fully in the 9th Chap.

Nay, immediately before, and at the time of the making of this Statute, there was not only enmity between those of the Shire-ground, that is, the *English* and *Irish* Pale, but open War, and acts of Hostility, as appears by History of no less Authority, than that Statute it self; for in the first Chapter of that Statute, is the Attainder of *Shane Oneale*, who had made open War, was slain in open War; it's there declared, That he had gotten by force, all the North of *Ireland*, for an hundred and twenty miles in length, and about a hundred in breadth; that he had mastered divers places within the *English* Pale; when the flame of this War by his death, immediately before this Statute was spent, yet the Firebrands were not all quenched, for the Rebellion continued by *John Fitz-Gerard*, called the *White Knight*, and *Thomas Gueverford*, this appears by the Statute of the Thirteenth year of *Queen Eliz.* in *Ireland*, but two years after this of the Eleventh year of *Queen Eliz.* where they are attainted of High-Treason, for Levying of War this Eleventh year, wherein this Statute was made.

So that my Lords, immediately before, and at the time of the making of this Statute, there being War between those of the Shire-Grounds, mentioned in this Statute, and the *Irish*, the concluding of War, and Acts Offensive and Invasive there mentioned, can be intended against no others, but the *Irish* Enemies.

Again, The words of the Statute are, *No Captain shall assemble the people of the Shire-grounds, to conclude of Peace or War; Is to presume, that those of the Shire-grounds will conclude of War against themselves. Nor (with the Statute) Shall carry those of the Shire-grounds to do any Acts Invasive;* by the construction which is made on the other side, they must be carried to fight against themselves.

Lastly, The words are, That as a Captain, none shall assume the Name, or Authority of a Captain; or as a Captain shall gather the people together; or as a Captain lead them; the offence is not in the matter, but in the manner; If the Acts offensive were against the Kings good Subjects, those that were under Command

Command, were punishable, as well as the Commanders; but in respect the Soldiers knew the service to be good in it self, being against the enemies, and that it was not for them to dispute the Authority of their Commanders, the penalty of 100 l. is laid only upon him, That as Captain, shall assume this Power without Warrant, the People commanded, are not within this Statute.

My Lords, The Logick whereupon this Argument is framed, stands thus, because the Statute of the Eleventh year of Queen *Elizabeth*, inflicts a penalty of 100 l. and no more, upon any man, that as a Captain without Warrant, and upon his own head shall conclude of, or make War against the King's Enemies: Therefore the Statute of the 18th year of *Henry* the 6th is repealed which makes it Treason to lay Soldiers upon, or to levy War against the Kings good People.

But, *My Lords,* Observation hath been made upon other words of this Statute, that is, that without Licence of the Deputy, these things cannot be done; this shews that the Deputy, is within none of the Statutes.

My Lords, This Argument stands upon the same reason with the former, because he hath the ordering of the Army of *Ireland*, for the defence of the people, and may give Warrant to the Officers of the Army, upon eminent occasions of Invasion, to resist or prosecute the Enemy, because of the danger, that else might ensue forthwith, by staying for a Warrant from His Majesty out of *England*.

My Lords, The Statute of the 10th year of *Henry* the 7th Chap. 17. touched upon for this purpose, clears the business in both points; for there is declared, That none ought to make War upon the *Irish* Rebels, and Enemies, without Warrant from the Lieutenant, the forfeiture 100 l. as here the Statute is the same with this, and might as well have been cited, for repealing the Statute of the 18th year of *Henry* the 6th, as this of the 11th year of Queen *Elizabeth*. But if this had been insisted upon, it would have expounded the other two clear against him.

Object. *My Lords,* It hath been further said, although the Statute be in force and there be a Treason within it, yet the Parliament hath no Jurisdiction, the Treasons are committed in *Ireland*, therefore not tryable here.

Answ. *My Lords,* Sir *John Parrot*, his Predecessor, 24 *Ed.* was tryed in the *Kings-Bench* for Treason done in *Ireland*, when he was Deputy; and *Oruche* in the 33 year of Queen *Elizabeth*, adjudged here for Treason done in *Ireland*.

Object. But it will be said, these Tryals were after the Statute of the 34th year of *Henry* the 8th, which Enacts, that Treasons beyond Sea may be tryed in *England*.

Answ. *My Lords,* his Predecessor my Lord *Gray* was tryed, and adjudged here in the *Kings-Bench*; that was in *Trinity-Term*, in the 33 year of *Henry* the 8th, this was before the making of that Statute.

Object. To this again will we say, That it was for Treason by the Laws and Statutes of *England*; that this is not for any thing that's Treason by the Law of *England*, but an *Irish* Statute.

So that the question is only, Whether your Lordships here in Parliament, have cognizance of an offence, made Treason by an *Irish* Statute, in the ordinary way of Judicature, without Bill? for so is the present question.

For the clearing of this, I shall propound two things to your Lordships consideration.

Whether the Rule for expounding the *Irish* Statute and Customs, be one and the same in *England* as in *Ireland*?

That being admitted, whether the Parliament in *England* have cognizance or jurisdiction of things there done, in respect of the place, because the Kings Writ runs not there?

For the first, in respect of the place, the Parliament here hath cognizance there. And Secondly, If the Rules for expounding the *Irish* Statutes and Customs, be the same here as there, this exception (as I humbly conceive) must fall away.

1641.

In *England* there is the Common Law, the Statutes, the Acts of Parliament, and Customs peculiar to certain places, differing from the Common-Law; If any question arise concerning either a Custom or an Act of Parliament, the Common-Law of *England*, the First, the Primitive and the General Law, that's the Rule and Expofitor of them, and of their feveral extents; it is fo here, it is fo in *Ireland*, the Common-Law of *England*, is the Common-Law of *Ireland* likewise; the fame here and there in all the parts of it.

It was introduced into *Ireland* by King *John*, and afterwards by King *Henry* 3. by Act of Parliament held in *England*, as appears by the Patent Rolls of the 30 year of King *Henry* 3. the first *Membrana*, the Words are, *Quia pro Communi Utilitate terræ Hiberniæ & unitate terrarum Regis, Rex vult, & de Communi Concilio Regis Provisum est, quod omnes Leges & Consuetudines quæ in Regno Angliæ tenentur, in Hibernia teneantur, & eadem terra eisdem legibus subjaceat, & per easdem Regatur, sicut Dominus Johannes Rex cum ultimò esset in Hibernia statuit & fieri mandavit, quia, &c. Rex vult quòd omnia brevia de Communi Jure quæ currunt in Angliæ, similiter currant in Hibernia, sub novo sigillo Regis mundatum est Archiepiscopis, &c. quod pro pace & tranquillitate ejusdem terræ, per easdem leges eos regi & deduci permittant, & eas in omnibus sequantur in cujus, &c. Teste Rege apud Woodstock, Decimo nono die Septembris.*

Here is an union of both Kingdoms, and that by Act of Parliament, and the same Laws to be used here as there, *in omnibus*.

My Lords, That nothing might be left here for an exception, that is, That in Treasons, Felonies, and other capital offences concerning Life, the *Irish* Laws are not the same as here, therefore it is enacted by a Parliament held in *England*, in the 14th year of *Edw.* 2. (it is not in print neither, but in the Parliament Book) that the Laws concerning Life and Member shall be the same in *Ireland*, as in *England*.

And that no exception might yet remain, in a Parliament held in *England*, The 5th year of *Edw.* 3. it is Enacted. *Quod una & eadem Lex fiat tam Hibernicis quam Anglicis.*

This Act is enrolled in the Patent Rolls of the 5th year of *Edw.* 3. Parl. membr. 25.

The *Irish* therefore receiving their Laws from hence, they send their Students at Law to the Inns of Courts in *England*, where they receive their Degree; and of them, and of the Common Lawyers of this Kingdom, are the Judges made.

The Petitions have been many from *Ireland*, to send from hence some Judges, more learned in the Laws, than those they had there.

It hath been frequent in cases of difficulty there, to send sometimes to the Parliament, sometimes to the King, by advice from the Judges here, to send them resolutions of their doubts. Amongst many, I'll cite your Lordships only one, because it is in a case of Treason upon an *Irish* Statute, and therefore full to this point.

By a Statute there made the fifth year of *Edw.* 4. there is a provision made for such as upon suggestions are committed to prison for Treason, that the party committed, if he can procure 24 Compurgators, shall be bailed and let out of prison.

Two Citizens of *Dublin*, were by a Grand-Jury presented to have committed Treason, they desired benefit of this Statute, that they might be let out of prison, upon tender of their Compurgators: The words of the Statute of the 5th year of *Edward* 4th, in *Ireland* being obscure, the Judges there being not satisfied what to do, sent the case over to the Queen, desired the opinion of the Judges here, which was done accordingly. The Judges here sent over their opinion, which I have out of the Book of Justice *Anderson*, one of the Judges consulted withal. The Judges delivered their opinion upon an *Irish* Statute, in Case of Treason.

If it be objected, That in this Case, the Judges here did not judge upon the party; their opinions were only *ad informandam Conscientiam*, of the Judges in *Ireland*, that the Judgment belonged to the Judges there.

My Lords, (with submission) this and the other Authorities, prove, that for which they were cited, that is, that no absurdity, no failure of Justice would ensue, if this great Judicatory should judge of Treason, so made by an *Irish* Statute.

The Common-Law rules of Judging upon an *Irish* Statute; the Pleas of the Crown for things of Life and Death, are the same here and there, this is all that yet hath been offered.

For

For the Second point, That *England* hath no power of Judicature, for things done in *Ireland*.

1641.

My Lords, the constant practice of all ages, proves the contrary.

Writs of Error in Pleas of the Crown, as well as in Civil Causes, have in all Kings Reigns been brought here, even in the inferior Courts of *Westminster-Hall* upon Judgment given in the Courts of *Ireland*, the practice is so frequent, and so well known, as that I shall cite none of them to your Lordships, no president will, I believe, be produced to your Lordships, that ever the Case was remanded back again into *Ireland*, because the question arose upon an Irish Statute, or Custom.

Object. But it will be said, that Writs of Error, are only upon failure of justice in *Ireland*, and that suits cannot originally be commenced here for things done in *Ireland*; because the Kings Writ runs not in *Ireland*.

Answ. This might be a good Plea in the *Kings-Bench*, and inferior Courts at *Westminster-Hall*; the question is, Whether it be so in Parliament? The Kings Writ runs not within the County-Palatine of *Chester* and *Durham*, nor within the Five Ports; neither did it in *Wales*, before the Union of *Henry* the 8th's time, after the Laws of *England* were brought into *Wales*, in King *Edw.* the 1. time, Suits were not originally commenced at *Westminster-Hall* for things done in them; yet this never excluded the Parliament-suits; for Life, Lands, and Goods within these jurisdictions, are determinable in Parliament, as well as in any other parts of the Realm.

Ireland, as appears by the Statute of the Thirtieth year of *Henry* 3. before-mentioned, is united to the Crown of *England*.

By the Statute of the Eight and twentieth year of *Hen.* 6th. in *Ireland*, it is declared in these words, That *Ireland* is the proper Dominion of *England*, and united to the Crown of *England*, which Crown of *England* is of it self, and by it self, wholly and intirely endowed with all Power and Authority sufficient to yield to the Subjects of the same full and plenary remedy, in all Debates and Suits whatsoever.

By the Statute of the Three and twentieth year of *Henry* the 8th, the first Chapter, when the Kings of *England* first assumed the Title of King of *Ireland*, it is there Enacted, that *Ireland* still is to be held as a Crown annexed and united to the Crown of *England*.

So that by the same reason, from this that the Kings Writs run not in *Ireland*, it might as well be held, that the Parliament cannot originally hold Plea of things done within the County-Palatine of *Chester* and *Durham*, nor within the Five Ports and *Wales*; *Ireland*, is a part of the Realm of *England*, as appears by those Statutes, as well as any of them.

This is made good by constant practice in all the Parliament Rolls, from the first to the last; there are Receivers, and Tryers of Petitions appointed for *Ireland*; for the *Irish* to come so far with their Petitions for Justice, and the Parliament not to have cognizance, when from time to time they had in the beginning of the Parliament, appointed Receivers and Tryers of them, is a thing not to be presumed.

An Appeal in *Ireland*, brought by *William* Lord *Vesey*, against *John Fitz-Thomas*, for Treasonable words there spoken, before any Judgment given in Case there, was removed into the Parliament in *England*, and there the Defendant acquitted, as appears in the Parliament Pleas of the Two and twentieth year of *Edw.* 1.

The Suits for Lands, Offices, and Goods originally begun here are many, and if question grew upon matter in Fact, a Jury usually ordered to try it, and the Verdict returned into the Parliament; as in the Case of one *Ballyben* in the Parliament of the Five and thirtieth year of *Edw.* the 1. If a doubt arose upon a matter tryable by Record, a Writ went to the Officers, in whose custody the Record remained, to certify the Record, as was in the Case of *Robert Bagott* the same Parliament, of the Five and thirtieth year of *Edw.* the 1. where the Writ went to the Treasurer, and Barons of the *Exchequer*.

1641.

Sometimes they gave Judgment here in Parliament, and commanded the Judges there in *Ireland* to do execution, as in the great Case of *Partition*, between the Copartners of the Earl-Marshal in the Parliament of the Three and thirtieth of *Edward* the 1. Where the Writ was awarded to the Treasurer of *Ireland*.

My Lords, The Laws of *Ireland* were introduced by the Parliament of *England*, as appears by Three Acts of the Parliament before cited.

It is of higher Jurisdiction *Dare Leges*, then to judge by them.

The Parliaments of *England* do bind in *Ireland*, if *Ireland* be particularly mentioned, as is resolved in the Book-Case of the First year of *Henry* the Seventh, *Cook's* Seventh Report, *Calvin's* Case; and by the Judges in *Trinity-Term*, in the Three and thirtieth year of Queen *Elizabeth*. The Statute of the Eighth year of *Edward* the 4th, the first Chapter in *Ireland* recites, That it was doubted amongst the Judges whether all the *English* Statutes, though not naming *Ireland*, were in force there? if named, no doubt.

From King *Henry* the 3d, his time downwards, to the Eighth year of Queen *Elizabeth* (by which Statute it is made Felony to carry Sheep from *Ireland* beyond Seas) in almost all these Kings Reigns, there be Statutes made concerning *Ireland*. The exercising of the Legislative Power there, over their Lives and Estates, is higher than of the Judicial in question: until the 29th year of *Edward* the 3d, erroneous Judgments given in *Ireland*, were determinable no where but in *England*; no, not in the Parliament of *Ireland*, as it appears in the close Rolls in the *Tower*, in the 29th year of *Edward* the 3d. *Memb.* 12. Power to examine and reverse erroneous Judgments in the Parliaments of *Ireland* is granted; from hence, Writs of Error lye in the Parliament here upon erroneous Judgments, after that time given in the Parliaments of *Ireland*, as appears in the Parliament Rolls, of the Eighth year of *Henry* the 6th, No 70. in the Case of the Prior of *Lenthau*. It is true, the Case is not determined there, for it's the last thing that came into the Parliament, and could not be determined for want of time, but no exception at all is taken to the Jurisdiction.

The Acts of Parliament made in *Ireland*, have been confirmed in the Parliaments of *England*, as appears by the close Rolls, in the *Tower*, in the Two and fortieth year of *Edward* the 3d. *Memb.* 20. *Dorso*: where the Parliament in *Ireland*, for the preservation of the Countrey from *Irish*, who had almost destroyed it, made an Act, That all the Land-Owners, that were *English*, should reside upon their Lands, or else they were to be forfeited, this was here confirmed.

In the Parliament of the Fourth year of *Henry* the 5th. *Chap.* 6. Acts of Parliament in *Ireland* are confirmed, and some priviledges of the Peers in the Parliaments there are regulated.

Power to repeal *Irish* Statutes, Power to confirm them, cannot be by the Parliament here, if it hath not cognizance of their Parliaments; unless it be said, that the Parliament may do, it knows not what.

Garnsey and *Fersey* are under the Kings subjection, but are not parcels of the Crown of *England*, but of the Duchy of *Normandy*, they are not governed by the Laws of *England*, as *Ireland* is, and yet Parliaments in *England* have usually held Plea of, and determined all Causes concerning Lands or Goods. In the Parliament, in the 33 *Edward* 1. there be *Placita de Insula Fersey*. And so in the Parliament, 14 *Edw.* 2. and so for *Normandy* and *Gascoigne*, and always as long as any part of *France* was in subjection to the Crown of *England*, there were at the beginning of the Parliaments, Receivers and Tryers of Petitions, for those parts appointed.

I believe your Lordships will have no Case shewed of any Plea, to the Jurisdiction of the Parliaments of *England*, in any things done in any parts wheresoever in subjection to the Crown of *England*.

The last thing I shall offer to your Lordships is, the Case of 19 *Eliz.* in my Lord *Dyer*, 306. and Judge *Crompton's* Book of the Jurisdiction of Courts fol. 23. The opinion of both these Books is, That an *Irish* Peer is not Tryable here, it's true, a *Scotch* or *French* Nobleman is Tryable here, as a common person; the Law takes no notice of their Nobility, because those Countreys are not governed by the Laws of *England*; but *Ireland* being governed by the same

Laws,

Laws, the Peers there are Tryable according to the Law of *England* only, *per pares*.

By the same reason, the Earl of *Strafford* not being a Peer of *Ireland*, is not tryable by the Peers of *Ireland*; so that if he be not tryable here, he is tryable nowhere.

My Lords, In case there be a Treason and a Traytor within the Statute, and that he be not tryable here for it, in the ordinary way of Judicature, if that jurisdiction fail, this by way of Bill doth not; Attainders of Treason in Parliament, are as legal, as usual by Act of Parliament, as by Judgment.

I have now done with the Statutes 25 *Edw.* 3. and 18 *Hen.* 6, My Lord of *Strafford* hath offended against both the Kingdoms, and is guilty of High-Treason by the Laws of both.

My Lords, In the fifth place, I am come to the Treasons at the Common-Law, the endeavouring to subvert the Fundamental Laws and Government of the Kingdom, and to introduce an Arbitrary and Tyrannical Government.

In this I shall not at all labour to prove, That the endeavouring by Words, Counsels and Actions, to subvert the Laws, is Treason at the Common-Law, if there be any Common-Law Treasons at all left; nothing is Treason, if this be not, to make a Kingdom no Kingdom; take the Polity and Government away, *England* is but a piece of Earth, wherein so many men have their Commorancy and abode, without ranks or distinction of men, without property in any thing further than possession; no Law to punish the Murthering, or robbing one another.

That of 33 *Hen.* 8. of introducing the Imperial Law, sticks not with your Lordships; it was in case of an Appeal to *Rome*; these Appeals in Cases of Marriages, and other causes counted Ecclesiastical, had been frequent, had in most Kings Reigns been tolerated; some in times of Popery put a conscience upon them; the Statutes had limited the penalty to a *Pramunire* only, neither was that a total subversion, only an Appeal from the Ecclesiastical Court here in a single Cause, to the Court of *Rome*; and if Treason or not, that Case proves not a Treason may be punished as a Felony: a Felony as a Trespass, if his Majesty so please; The greater includes the less in the Case of *Pramunire*: in the *Irish* Reports, that which is there declared to be Treason, was proceeded upon only as a *Pramunire*.

The things most considerable in this is, Whether the Treasons at Common-Law, are taken away by the Statute of 25 *Edw.* 3. which is to speak against both the direct words and scope of that Statute.

In it there's this clause, *That because many other like Cases of Treason might fall out, which are not there declared; therefore it is enacted, That if any such Case come before the Judges, they shall not proceed to Judgment, till the Case be declared in Parliament, whether it ought to be adjudged Treason or not.*

These words, and the whole scope of that Statute shews, that it was not the meaning to take away any Treasons that were so before, but only to regulate the Jurisdiction and manner of Tryal. Those that were single and certain Acts, as conspiring the Kings Death, Levying War, Counterfeiting the Money, or Great-Seal, Killing a Judge; these are left to the ordinary Courts of Justice: The others not depending upon single Acts, but upon constructions and necessary Inferences, they thought it not fit to give the inferior Courts so great a latitude here, as too dangerous to the Subject, those they restrained to the Parliament.

This Statute was the great security of the Subjects, made with such wisdom, as all the succeeding Ages have approved it; it hath often passed through the Furnace, but like Gold, hath left little or nothing.

The Statute of the First *H.* 4. Cap. 10. is in these words, *Whereas in the Parliament held the 21 year of Richard the 2. divers pains of Treason were ordained, insomuch that no man did know how to behave himself, to do, say, or speak: It is accorded that in no time to come, any Treason be adjudged otherwise, than it was ordained by the Statute of 25th of Edw. 3.*

It hath been said, To what end is this Statute made, if it takes not away the Common-Law Treasons remaining after the Statute of the 25th of *Edw.* 3?

There

1641.

There be two main things which this Statute doth; First, it takes away for the future all the Treasons, made by any Statute since 25 *Edw.* 3. to the 1 *H.* 4. even to that time; for in respect, that by another Act in that Parliament, the Statute of 21 *Rich.* 2. was repealed, it will not be denied, but that this Statute repeals more Treasons than these of the 21 *R.* 2. It repeals all Statute-Treasons but those in 25 *Edw.* 3.

Secondly, It not only takes away the Statute-Treasons, but likewise the declared Treasons in Parliament, after the 25th of *Edw.* 3. as to the future, after Declaration in Parliament, the inferior Courts might judge these Treasons; for the Declaration of a Treason in Parliament after it was made, was sent to the inferior Courts, that *toties quoties* the like Case fell out, they might proceed therein, the Subject for the future, was secured against these; so that this Statute was of great use.

But by the very words of it, I shall refer all Treasons to the provision of 25 *Edw.* 3. it leaves that entire, and upon the old bottom. The Statute of 1 *Queen Mary* Cap. 1. saith, That no offences made Treason by any Act of Parliament, shall thenceforth be taken or adjudged to be Treason, but only such as be declared and expressed to be Treason by the Statute of 25 *Edw.* 3. *Concerning Treason, or Declaration of Treason,* and no others: And further provides, *That no pains of Death, penalties, or forfeiture in any wise shall ensue, for Committing any Treason; other than such as be in the Statute of 25 Edw. 3. ordained and provided, any Act of Parliament, or any Declaration, or matter to the contrary, in any wise notwithstanding.*

By the first of this Statute, only offences made Treason by Act of Parliament, are taken away, the Common-Law-Treasons are no ways touched, the words [*And no others*] refer still to offences made Treason by Act of Parliament; they restrain not to the Treasons only, particularly mentioned in the Statute in the 25th *Edw.* 3. but leave that Statute entire to the Common-Law-Treason, as appears by the words immediately foregoing.

By the Second Part, for the pains and forfeitures of Treasons, if it intend only the punishment of Treason, or if it intend both Treason and Punishment, yet all is referred to the Provision and Ordinance of 25 *Edw.* 3. any Act of Parliament, or other Declaration, or thing notwithstanding.

It saith not, other then such Penalties of Treasons, as are expressed and declared in the Statute of 25 *Edw.* 3. that might perhaps have restrained it to those that are particularly mentioned, no, it refers all Treasons to the general Ordination and Provision of that Statute, wherein the Common-Law-Treasons are expressly kept on Foot.

If it be Asked, What good this Statute doth, if it take not away the Common-Law Treasons?

1. It takes away all the Treasons made by Act of Parliament, not only since the first of *Hen.* 4. which were many, but all before 1 *Hen.* 4. even until the 25 *E.* 3. by express words.

2. By express words, it takes away all declared Treasons, if any such had been in Parliament; Those for the future are likewise taken away; so that whereas it might have been doubted, whether the Statute of the 1 *H.* 4. took away any Treasons, but those of the 22d, and 23d years of *R.* 2. This clears it, both for Treasons made by Parliament, or declared in Parliament, even to the time of making the Statute.

This is of great use, of great security to the Subject; so that, as to what shall be Treason, and what not, the Statute of 25 *E.* 3. remains entire, and so by consequence the Treasons at the Common-Law.

Only, my lords, it may be doubted, whether the manner of the Parliamentary proceedings, be not altered by the Statute of 1 *H.* 4. Chap. 17. and more fully in the Parliament Roll, Number 144; that is, whether since that Statute the Parliamentary Power of Declaration of Treasons, whereby the inferior Courts Receive Jurisdiction, be not taken away and restrained only to Bill, that so it might operate no further, then to that particular contained in the Bill, that so the Parliamentary Declarations for after-times, should be kept within the

the Parliament it self, and be extended no further : Since 1 H. 4. we have not found any such Declarations made, but all Attainders of Treason have been by Bill?

1641.

If this be so, yet the Common-Law Treasons still remaining, there is one and the same ground of reason and equity since the 1 H. 4. for passing a Bill of Treason, as was before, for declaring of it without Bill.

Herein the Legislative power is not used against my Lord of *Strafford* in the Bill, its only the Jurisdiction of the Parliament.

But, my Lords, because that either through my mistaking of the true grounds and reasons of the Commons, or my not pressing them with apt agreements, and presidents of former times, or that perchance your Lordships, from some other Reasons and Authorities, more swaying with your Lordships Judgments, then these from them, may possibly be of a contrary or dubious opinion, concerning these Treasons, either upon the Statutes of 25 E. 3. & 18 H. 6. or at the Common-Law.

My Lords, If all these five should fail, they have therefore given me further in Command, to declare to your Lordships some of their Reasons, why they conceive that in this Case, the meer Legislative Power may be exercised.

Their Reasons are taken from these three grounds ;

1. From the nature and quality of the Offence.

2. From the Frame and Constitution of the Parliament, wherein this Law is made.

3. From Practices and Usages of former times.

The horridness of the Offence, in endeavouring the overthrowing the Laws and present Government, hath been fully opened to your Lordships heretofore.

The Parliament is the Representation of the whole Kingdom, wherein the King as Head, your Lordships as the most Noble, and the Commons the other Members, are knit together into one Body Politick ; This dissolves the Arteries and Ligaments that hold the Body together, the Laws ; He that takes away the Laws, takes not away the Allegiance of one Subject alone, but of the whole Kingdom.

It was made Treason by the Statute of 13 Eliz. for Her time, to affirm, that the Laws of the Realm do not bind the Descent of the Crown ; no Law, no Descent at all.

No Laws, no Peerage ; no Ranks or Degrees of men ; the same condition to all.

It's Treason to kill a Judge upon the Bench ; this kills not *Judicem*, sed *Judicium* ; He that borrowed *Apelles*, and gave Bond to return again *Apelles* the Painter, sent him home, after he had cut off his Right Hand ; his Bond was broken ; *Apelles* was sent, but not the Painter. There are Twelve Men, but no Law ; there's never a Judge amongst them.

It's Felony to Imbezle any one of the Judicial Records of the Kingdom ; this at once Sweeps them all away, and from all.

It's Treason to Counterfeit a Twenty shillings piece, here's a Counterfeiting of the Law ; we can call neither the Counterfeit, nor true Coin, our own.

It's Treason to Counterfeit the Great-Seal for an Acre of Land ; no property hereby is left to any Land at all ; nothing Treason now, either against King or Kingdom ; no Law to punish it.

My Lords, If the Question were Asked at *Westminster-Hall*, Whether this were a Crime punishable in *Star-Chamber*, or in the *Kings-Bench*, by Fine or Imprisonment ? they would say it went higher : If whether Felony ? they would say, that's for an Offence only against the Life, or Goods of some one or few persons ; It would, I believe, be answered by the Judges, as it was by the Chief Justice *Thurning* in 21 R. 2. that though he could not Judge the Case Treason there before him, yet if he were a Peer in Parliament he would so Adjudge it.

My

1641.

My Lords, if it be too big for those Courts, we hope it's in the right way here.

2. The second Consideration is from the Frame and Constitution of the Parliament; the Parliament is the great Body Politick, it comprehends all from the King to the Beggar; if so, My Lords, as the Natural, so this Body, it hath power over it self, and every one of the Members, for the preservation of the whole; It's both the Physitian and the Patient; If the Body be distemper'd, it hath power to open a Vein, to let out the corrupt blood for curing it self; if one Member be Poysoned or Gangred, it hath power to cut it off for the preservation of the rest.

But, my Lords, it hath often been inculcated, that Law-makers should imitate the Supreme Law-giver, who commonly warnes before he strikes. The Law was promulged before the Judgment of death for gathering the Sticks. No Law, no Transgression.

My Lords, To this rule of Law is *Frustra legis auxilium invocat, qui in legem committit*, from the *Lex talionis*; he that would not have had others to have a Law, Why should he have any himself? Why should not that be done to him, that himself would have done to others?

It's true, we give Law to Hares and Deers, because they be Beasts of Chase; It was never accounted either cruelty or foul play, to knock Foxes and Wolves on the head, as they can be found, because these be Beasts of Prey. The Warrener sets Traps for Polcats and other Vermine, for preservation of the Warren.

Further, my Lords, most dangerous Diseases, if not taken in time, they kill; Errors, in great things, as War and Marriage, they allow no time for repentance; it would have been too late to make a Law, when there had been no Law.

My Lords, for further Answer to this Objection, he hath offended against a Law, a Law within the endeavouring to subvert the Laws, and Polity of the State wherein he lived, which had so long, and with such faithfulness protected his Ancestry, Himself, and his whole Family: It was not *Malum quia prohibitum*, it was *Malum in se*, against the Dictates of the dullest Conscience, against the Light of Nature, they not having a Law, were a Law to themselves.

Besides this, he knew a Law without, that the Parliament, in Cases of this Nature, had *Potestatem vita & necis*.

Nay, he well knew, that he offended the Promulged and Ordinary Rules of Law. Crimes against Law have been Proved, have been Confessed; so that the Question is not *De culpa, sed de poena*, What degree of Punishment those Faults deserve? We must differ from him in Opinion, That twenty Felonies cannot make a Treason, if it be meant of equality in the use of the Legislative Power; for he that deserves death for one of these Felonies alone; deserves a Death more painful, and more Ignominious for all together.

Every Felony is punished with loss of Life, Lands and Goods; a Felony may be aggravated with those Circumstances, as that the Parliament with good reason may add to the Circumstances of Punishment, as was done, in the Case of *John Hall*, in the Parliament of the 1 H. 4. who, for a Barbarous Murder, committed upon the Duke of *Glocester*, stifling him between two Feather-Beds at *Calice*, was adjudged to be Hanged, Drawn and Quartered.

Batteries by Law are only punishable by Fine, and single Damages to the Party Wounded.

In the Parliament held in 1 H. 4. Cap. 6. one *Savage* committed a Battery upon one *Chedder*, Servant to Sir *John Brooke*, a Knight of the Parliament for *Somersetshire*. It's there Enacted, that he shall pay double Damages, and stand Convicted, if he render not himself by such a time. The manner of proceedings quickned, and the penalty doubled; the Circumstances were considered, it concerned the Common-Wealth, it was a Battery with Breach of Priviledge of Parliament.

This is made a perpetual Act: no warning to the first Offender: and in the Kings-Bench, as appears by the Book-Case of 9 H. 4. the first leaf, Double Damages were recovered.

My

My Lords, in this of the Bill, the Offence is High and General, against the King and the Common-wealth, against all, and the best of all.

If every Felony be loss of Life, Lands and Goods; What is Misuser of the Legislative Power, by Addition of Ignominy, in the Death and Disposal of the Lands to the Crown, the Publick Patrimony of the Kingdom?

But it was hoped, that your Lordships had no more skill in the Art of killing Men, then your worthy Ancestors.

My Lords, this Appeal from your selves to your Ancestors we do admit of, although we do not admit of that from your Lordships to the Peers of Ireland.

He hath Appealed to them; your Lordships will be pleased to hear, what Judgment they have already given in the case, that is, the several Attainders of Treason in Parliament; after the Statute of 25 E. 3. for Treasons not mentioned, nor within that Statute, and those upon the first Offenders without warning given.

By the Statute of 25 E. 3. it's Treason to levy War against the King; *Gomines* and *Weston* afterwards in Parliament, in the 1 R. 2. n. 38, 39. adjudged Traytors for surrendring two several Castles in *France*, only out of fear, without any Compliance with the Enemy; this not within the Statute of 25th E. 3.

My Lords, In the 3d year of *Rich. 2d.* *John Imperiall* that came into *England* upon Letters of Safe Conduct, as an Agent for the State of *Genoa*, sitting in the evening before his door, in *Breadstreet* (as the words of the Records are) *Paulo ante ignitegium*; *John Kirkby*, and another Citizen coming that way, Casually *Kirkby* trod upon his Toe, it being twilight, this grew to a Quarrel, and the Ambassador was slain; *Kirkby* was Indicted of High-Treason, the Indictment finds all this, and that it was only done *se defendendo*, and without malice.

The Judges, it being out of the Statute 25 E. 3. could not proceed; the Parliament declared it Treason, and Judgment afterwards of High-Treason: there's nothing can bring this within the Statute of 25 E. 3. but it concerns the Honour of the Nation, that the publick Faith should be strictly kept: It might endanger the Traffique of the Kingdom; they made not a Law first, they made the first man an Example; this is in the Parliament Roll 3 R. 2. Number 18. and *Hillary-Term*, 3 R. 2. Rot. 31. in the Kings-Bench, where Judgment is given against him.

In 11 R. 2. *Trefilian*, and some others, attainted of Treason for delivering Opinions in the Subversion of the Law, and some others for plotting the like. My Lords, the Case hath upon another occasion been opened to your Lordships; only this is observable, that in the Parliament of the first year of *Henry the Third*, where all Treasons are again reduced to the Statute of 25 E. 3. These Attainders were by a particular Act confirmed and made good, that the memory thereof might be transmitted to succeeding Ages, they stand good unto this day; the offences there as here, were the endeavouring the Subversion of the Laws.

My Lords, after the 1 H. 4. *Sir John Mortimer* being committed to the Tower, upon suspicion of Treason, brake Prison, and made his escape; This is no way within any Statute, or any former Judgment at Common-Law for this, that is, for breaking the Prison only, and no other cause; in the Parliament held the second year of *Henry the Sixth*, he was attainted of High-Treason by Bill.

My Lords, Poysoning is only Murder, yet one *Richard Cooke* having put Poyson into a Pot of Pottage in the Kitching of the Bishop of *Rocheſter*, whereof two persons dyed, he's Attainted of Treason, and it was Enacted, that he should be Boyled to death by the Statute of 22 H. 8. c. 9.

By the Statute of the 25. H. 8. *Elizabeth Barton* the Holy Maid of *Kent*, for pretending Revelations from God, That God was highly displeased with the King, for being divorced from the Lady *Catherine*, and that in case he perished in the separation, and should marry another, that he would not continue King not above one month after, because this tended to the depriving of the Lawful Succession to the Crown She is attainted of Treason.

My Lords, All these Attainders for ought I know, are in force at this Day, the Statutes of the 1 year of H. 4. and the 5 of Queen *Mary*, although they

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were willing to make the Statute of 25 E. 3. the Rule to the Inferior Courts, yet they left the Attainders in Parliament precedent to themselves untoucht, wherein the Legislative Power had been exercised; there is nothing in them whence it can be gathered but that they intended to leave it as free for the future, and my Lords, in all these Attainders there were crimes and offences against the Law, they thought it not unjust (Circumstances considered) to heighten and add to the degrees of punishment, and that upon the first Offender.

My Lords, we receive as just, the other Laws and Statutes made by these our Ancestors, they are the Rules we go by in other Cases, why should we differ from them in this alone? These my Lords are in part those things which have satisfied the Commons in passing the Bill, it is now left to the Judgment and Justice of your Lordships.

To which the Earl made no reply, but lifting up his hands to Heaven, to attest his Innocence, and Petition Protection and a more Just and Equitable Sentence there, he seemed to express greater Eloquence by his Silence, then the other had done by his Prolix Discourse.

However, that he might not seem wanting to himself, upon Friday he Petitioned the Lords, *That he might be heard again in point of Law to make his Defence against the Bill of Attainder; but it was denied him.*

The next Day being Saturday, the King went down to the House of Lords, and having sent for the Commons, he made this following Speech to both the Houses.

My Lords, and Gentlemen,

I Had not any intention to speak of this business, which causes me to come here to day, which is the great Impeachment of the Earl of Strafford; But now it comes to pass, that of necessity I must have part in that Judgment: I am sure you all know that I have been present at the Hearing of this great business, from the one end to the other; that which I have to declare unto you is shortly this.

That in my Conscience I cannot condemn him of High Treason, It is not fit for me to argue the business, I am sure you will not expect it. A Positive Doctrine best comes out of the mouth of a Prince; Yet I must tell you Three great Truths, which I am sure no body can know so well as my self. 1. That I never had any intention of bringing over the Irish Army into England, nor ever was advised by any body so to do. 2. There never was any Debate before me, neither in publick Council, nor at private Committee, of the Disloyalty, and Disaffection of my English Subjects, nor ever had I any suspicion of them. 3. I was never Counsell'd by any, to alter the least of any of the Laws of England, much less to alter all the Laws; Nay, I must tell you this, I think no body durst be ever so impudent to move me in it; for if they had, I should have put a Mark upon them, and made them such an Example, that all Posterity should know my intention by it; for my intention, was ever to Govern according to the Law, and no otherwise.

I desire to be rightly understood, I told you in my Conscience I cannot Condemn him of High Treason; yet I cannot say I can clear him of misdemeanor: Therefore I hope that you may find a way, for to satisfy Justice and your own Fears, and not to press upon my Conscience. My Lords, I hope you know what a tender thing Conscience is. Yet I must declare unto you, That to satisfy my People I would do great matters. But in this of Conscience, no fear, no respect whatsoever, shall ever make me go against it. Certainly, I have not so ill deserved of the Parliament at this time, that they should press me

Friday,
April 30.

The Kings
Speech to
both Houses
concerning the
Earl of Strafford,
April 30.

me in this tender point, and therefore I cannot expect, that you will go about it.

Nay, I must confess for matter of misdemeanor, I am so clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my Lord of Strafford, is not fit hereafter to serve me or the Common-wealth in any Place of Trust, no not so much as to be a High Constable: Therefore I leave it to you my Lords, to find some such way as to bring me out of this great streight, and keep your Selves and the Kingdom from such Inconveniences. Certainly, he that thinks him guilty of High Treason in his Conscience may Condemn him of Misdemeanor.

The House of Commons were so startled and galled with this Speech, that immediately upon their return to their House, they cried *Adjourn, Adjourn*; which they did in the greatest discontent imaginable: for they thought they had brought the King to a *Concedimus omnia*, and therefore finding themselves under this Mistake, they betook themselves to new Arts, and to effect that by the power of Tumults, which they thought themselves out of the hopes of obtaining in a Regular Method. All that the King got by this free Declaration of himself in favour of the Earl was, to lose much of the affections of the People, whether he should pass the Bill or deny it. For if he passed it then it was to be imputed to the Necessity of his Affairs, not his Inclinations to the good of his Subjects; and if he denied it, then it must have been esteemed a Denial of Justice to his People.

The first beginning of these tumultuarie Disorders was upon Thursday before, when a great many Apprentices, and loose People beset the Spanish Ambassador's House in Bishop-Gate, threatening to pull down the House, and kill the Ambassador. To appease the Tumult, the Lord Mayor of London came among them, and not without a great deal of Difficulty perswaded them to retire. After he had pacified the Multitude, the Lord Mayor went into the House; at his Entrance the Ambassador met him, and desired him to drop the point of his Sword which was carried before him, acquainting him, *That he was now in a place where the King of Spain had Jurisdiction*. That being done, he told my Lord Mayor, *That in all his life he had not seen a more barbarous attempt, and desired to know whether England was a civilized Nation or not, where the Law of Nations was so horribly violated?* The Lord Mayor replied, *That they were of the Base and inferior sort of the People, and intreated the Tumult might not be imputed to the City*. To whom the Ambassador tartly returned, *That he could scarce tell how to acknowledg that to be a City, or almost a Society of Men, where there was so little Civility and Government*. The Mayor told him, *The People were discontented because Mass was publickly said in his House*. The Ambassador replied, *That the English Ambassador had without disturbance the free Exercise of his Religion at Madrid, and that he would rather lose his life, then the Priviledges due to him by Pactiō and the Laws of Nations*. The Mayor replied, *That the People were the more incensed against him, because the Londoners who were of the Popish Religion, were permitted to frequent his House at Mass, which was contrary to Law*. To this the Ambassador said, *That if the Mayor would keep them out, he would send for none of them; but if they came within his Doors, he could neither in Conscience to his Religion, or Honour to his Master, deny them either access to his Devotions, or protection to their Persons so far as in him lay*. In short, a Guard was appointed to

1641.

The Tumult about the Spanish Ambassador.

1641.

attend his House to prevent further inconveniences, and to keep the Ambassador from Affronts, and the People from frequenting Malls.

But this Storm was no sooner over, but upon *Monday* it began to rise again with far greater horror and Impetuosity, and it must be imputed to the Artifice of the Earl of *Strafford's* Enemies, who by this means were resolved to terrifie the Lords into a Compliance; for in truth the Bill of Attainder went on very slowly in the Lords House, and had they not been driven from their House by the Insolence and Menaces of the Tumults, it had never come to the Royal Assent. To quicken some therefore, and affright others, 5 or 6000 Porters, Carr-men and other Dissolute and Rude Fellows assembled upon *Monday* after the Noise of the King's Speech was bruited abroad the Town; and having filled the Pallace Yards, and posted themselves at all the Entrances to the Parliament-House, they stopped every Coach, crying out, *Justice and Execution*; and upon a sign given that *Justice and Execution* was the noble Word, they sent forth such hideous Cries, as were enough to create amazement in persons of the greatest Constancy. The Lord Steward coming by, his Coach was stopp'd, and some of the most insolent stepping to him, demanded of him *Justice and Execution*, and told him, *Justice they had already, Execution they desired, and would have it.* He answered them, *They should have Justice, if they would have Patience.* To which they replied, *No, they had already had too much Patience, longer we will not stay; and before you part from us, we will have a promise of Execution.* He told them *he was going to the House for that purpose, and that he would Endeavour to content them.* Whereupon some of them cried, *We will take his word for once;* and so with difficulty enough he got to the House.

The Lords sate till Twelve of the Clock, and most of them went back by Water; and when the Lord Chamberlain, the Earl of *Holland* came out to take Coach, they redoubled their Cry, and coming up to the Earl of *Bristol's* Coach, some of them told him; *For You my Lord of Bristol, we know you are an Apostate from the Cause of Christ, and our Mortal Enemy, we do not therefore crave Justice from You, but shall shortly crave Justice upon You, and your false Son the Lord Digby.*

Nor did they stop here, but having gotten a List of those who Voted against the Bill of Attainder in the House of Commons, they pasted up their Names at the Corner of the Wall of *Sir William Brunkard's* House in the Old Pallace-Yard, giving them the Title of *Enemies of Justice, and Straffordians*; adding withall this insolent Menace, *That these and all other Enemies of the Common-wealth should perish with Strafford.*

This Popular Revenge however has done this kindness to those Gentlemen, who durst so boldly adventure the Protection of Innocence, that it has conveyed their Names down to Posterity; which in after Ages will look upon them with the greater Honour and Veneration for the Indignity put upon them by the Rude Multitude. They were these,

The Lord Digby,
Lord Compton,
Lord Buckhurst,
Sir Robert Hatton,
Sir Thomas Fanshaw,
Sir Edward Alford,
Nicholas Slanning,

Sir Henry Slingsby,
Sir William Portman,
Mr. Gervas Hollis,
Mr. Sydney Godolphin,
Mr. Cook,
Mr. Coventry,
Mr. Kirton,

Serjeant Hide,
Mr. Tayler,
Mr. R. Weston,
Mr. Griffith,
Mr. Scawen,
Mr. Bridgman,
Mr. Fettyplace,

Dr.

Dr. Turnor,	Mr. Pollard,	Mr. Charles Price,
Sir Thomas Danby,	Mr. Price,	Dr. Parry,
Sir George Wentworth,	Mr. Trevanion,	Mr. R. Arundel,
Sir Frederick Cornwallis,	Mr. Jean.	Mr. Newport,
Sir William Carnaby,	Mr. Edgcomb,	Mr. Nowel,
Sir Richard Winn,	Mr. Ben. Weston,	Mr. Chicbley,
Sir Gervas Clifton,	Mr. Selden,	Mr. Malloreys,
Sir Will. Widdrington,	Mr. Alford,	Mr. Porter;
Sir William Pennyman,	Mr. Lloyd,	Mr. White,
Sir Patricius Curwin,	Mr. Herbert,	Mr. Warwick.
Sir Richard Lee,	Captain Digby,	

I 6 4 I.

Nor were they satisfied or rested here, but one among the rest proceeded to the height of Impudence, crying out, as it was affirmed, *If we have not the Lieutenant's Life, we will have the King's*: and however the matter was passed over, yet I find some traces of it, and the Examination of one *Lilburn* for dangerous words, before the Lords, who upon his saying *that he only repeated what he heard some persons say whom he did not know*, was discharged for the present, but the Cause ordered to be retained in the House. And most certainly they had some great Persons who stood behind the Curtain and animated these Disorders; for all this while the House of Commons sat close, as if there had been no disturbance; and while the Commotion was at the height, they were hatching the *Protestation*, the Bill for perpetuating the Parliament during the pleasure of the Two Houses; and busie upon the Discovery of a strange Plot by a few Young Gentlemen to bring up the Army; and indeed laying the Foundations of all the Miseries of a Future Rebellion.

Upon *Tuesday May the Fourth*, there was a Conference between the Houses, where the Lord Privy Seal acquainted the Commons with a Message from the King and Council, *wherein His Majesty takes Notice of the Tumults, and that it is His Majesties Pleasure that both Houses take it into Consideration, that some speedy Course may be taken to settle Peace and prevent the like Disorders for the Future*: He represented to them, *That it was the great hinderance of their passing the Bill of Attainder, their Lordships being so encompassed with multitudes of People, that they could not be conceived to be free*. But notwithstanding all this, the Commons took no notice of them, so that the Connivence it self was the same thing with an Encouragement.

Tuesday,
May 4

His Lordship also acquainted them with a Petition or something like one, which the Lords had received from the Multitudes that flocked together; which being so like Mr. Pym's Speech, to Usher in the *Protestation* and *Perpetual Bill*, give occasion to believe they were Arrows of the same Quiver: For Mr. Pym, as a Prologue to those Designs, acquainted the House, *That there were Informations of Desperate Designs at home and abroad, to bring up the Army against the Parliament, to surprize the Tower, that the Earl of Strafford might Escape; that Portsmouth was to be betrayed; the French were drawing down their Army in all hast to the Sea side*. And to the same Effect was the Petition of the Rabble States men, which follows.

That whereas your Petitioners did yesterday Petition for the Redress of many Grievances, and for the Execution of Justice upon the Earl of Strafford and other Incendiaries, and to be secured from some dangerous

Petition of the
Rabble.

rous

I 6 4 I.

rous Plots and Designs on Foot, to which your Lordships have this day given Answer that you have the same under Consideration; for which your Petitioners do render humble thanks: but forasmuch as your Petitioners understand that the Tower of London is presently to receive a Garrison of men not of the Hamlets as usually they were wont to do, but consisting of other Persons under the command of a Captain a great Confident of the Earl of Strafford, which doth encrease their fears of the suddain Destruction of King and Kingdom, wherein your Lordships and Posterity are deeply interested; and this is done to make way for the Escape of the Earl of Strafford the Grand Incendiary. They therefore pray that instant Course may be taken for the discovery thereof, and that speedy Execution of Justice be done upon the Earl of Strafford.

Hereupon the Lords sent six Peers to the Tower, who Examining the Lieutenant, he informed them he had a Command from the King to receive a hundred men under Captain *Billingsley* into the Tower; thereby throwing an Odious Reflexion upon the King as if he were of confederacy for the Earl his Escape; which his Majesty understanding, did himself the Justice, to let the Lords know by a Message, That upon a Complaint of Sir William Balfour the Lieutenant of the Tower, of the great Resort of People thither, he Ordered the said Captain and his Company to guard the Munition there; but if that occasion Jealousies, his Majesty is willing to receive their Lordships advice.

And for the other fine story of the Earl's Escape, is was discovered by the miracle of three good Wives of Wappings peeping in at the Key-hole out of Curiosity to see the Earl, and they heard him discourse with his Secretary Mr. *Slingsby* about his Escape; but Mr. *Slingsby* upon Examination absolutely denied it, as did also the Master of the Ship which was said to be laid for him; only *Balfour* being Examined confessed the Earl had moved some such thing, and offered him the King's Warrant for his Indemnity, but whoever considers that he was a Scot, a Confident of the Party, and that all things were managed by Scottish Counsels, Measures and Examples of Tumults, and withal, how unjustly he had traduced the King just before in the matter of Captain *Billingsley*, will not at all admire he should make a little bold with his Conscience to keep his place, to oblige his Friends, and Countenance a Report which was so advantageous to the Designs that were then caarrying on by Tumults and all the Artifices imaginable.

But that which puts it out of all doubt is, the Letter which this noble Lord writ that very day to the King to pass the Bill of Attainder against him, a Generosity, as it was very uncommon, so very inconsistent with the design of this pretended Escape, which seemed rather Levelled at his Majesties Reputation among the People then to have any reality in it. The Letter was this,

May it please Your Sacred Majesty,

I hath been my greatest grief in all these Troubles, to be taken as a person which should endeavour to represent and set things amiss between Your Majesty and Your People, and to give Counsels tending to the disquiet of the Three Kingdoms.

Most true it is; (that this mine own private Condition considered) it had been a great madness, (since through Your Gracious Favour I was so provided) as not to expect in any kind to mend my fortune, or please my mind more, than by resting where Your bounteous Hands had placed me.

Nay, it is most mightily mistaken; for unto your Majesty it is well known, my poor and humble Advices concluded still in this, That Your Majesty, and Your People could

never

The Earl of
Strafford's
Letter to the
King. May 4.

never be happy, till there were a right understanding betwixt You and them, and that no other means were left, to effect and settle this happiness, but by the Counsel and Assent of Your Parliament, or to prevent the growing Evils of this State, but by intirely putting Your Self in this last resort, upon the Loyalty and good Affections of Your English Subjects.

Yet such is my misfortune, that this Truth findeth little credit; yea, the contrary seemeth generally to be believed, and myself reputed as one who endeavoured to make a separation between You and Your People; under a heavier censure than this, I am perswaded no Gentleman can suffer.

Now I understand the minds of Men are more and more incensed against me, notwithstanding Your Majesty hath declared, That in Your Princely opinion I am not Guilty of Treason, and that You are not satisfied in Your Conscience, to pass the Bill.

This bringeth me in a very great streight, there is before me the ruine of my Children and Family, hitherto untouch'd in all the Branches of it, with any foul crime: Here are before me the many ills, which may befall Your Sacred Person and the whole Kingdom, should Your Self and Parliament part less satisfied one with the other, than is necessary for the preservation both of King and People: Here are before me the things most valued, most feared by mortal men, Life or Death.

To say Sir, that there hath not been a strife in me, were to make me less man, than, God knoweth, my Infirmities make me; and to call a destruction upon my self and young Children, (where the intentions of my heart at least have been innocent of this great offence) may be believed, will find no easy consent from Flesh and Blood.

But with much sadness, I am come to a Resolution of that, which I take to be best becoming me, and to look upon it, as that which is most principal in it self, which doubtless is the prosperity of Your Sacred Person; and the Common wealth, things infinitely before any private mans interest.

And therefore in few words, as I put my self wholly upon the Honor and justice of my Peers, so clearly, as to wish Your Majesty might please to have spared that Declaration of Yours on Saturday last, and intirely to have left me to their Lordships; So now to set Your Majesties Conscience at liberty, I do most humbly beseech Your Majesty for prevention of evils, which may happen by Your refusal to pass this Bill; and by this means to remove (praised be God) I cannot say this accursed (but I confess) this unfortunate thing, forth of the way towards that blessed agreement, which God I trust, shall ever establish between You and Your Subjects.

Sir, My Consent shall more acquit you herein to God, than all the World can do besides; To a willing man there is no injury done, and as by Gods Grace I forgive all the World, with a calmness and meekness of infinite contentment to my dislodging Soul: So Sir, to you I can give the life of this world, with all the chearfulness imaginable, in the just acknowledgment of your exceeding favours; and only beg, that in Your Goodness, You would vouchsafe to cast Your Gracious regard upon my poor Son, and his Three Sisters, less or more, and no otherwise than as their (in present) unfortunate Father, may hereafter appear more or less guilty of this death. God long preserve Your Majesty.

Tower, May 4.
1641.

Your Majesties most Faithful,
And Humble Subject,
And Servant,
STRAFFORD.

And for suppressing the Tumults, the Commons Ordered Dr. Burgess, to read the Protestation to the People, and to tell them, The Parliament desired them to return home, which he did and thereupon they departed, by which it is Evident who raised, influenced and Governed the Tumults.

Upon Wednesday May the 5th, there happened a strange hubbub in the City which was now wholly set upon Tumults and Disorders, which was

Wednesday,
May 5.

1641.



was upon this ridiculous occasion, Sir *Walter Erle* was making a Report of a Design to blow up the House of Commons, whereupon Mr. *Middleton* and Mr. *Moyle* two corpulent men, and some others standing up to hear the Report, a board in the Gallery broke and gave such a Crack, that some apprehended the House was blown up indeed, and Sir *John Wray* crying out, He smelt Gun-Powder, they hurried out of the House, and frightened the People in the Lobby, who ran into the Hall crying out, The Parliament House was falling and the Members slain, and the People running in confusion through the Hall Sir *Robert Mansel* drew his Sword and bid them stand for shame, he saw no Enemy to hurt the Parliament and that there was no danger, but some of the Zealots by water gave the alarm, so that the Drums beat, and a Regiment of Train-Bands marched as far as *Covent Garden*, and the Rabble of Volunteers down to the House to save the Parliament, which ridiculous Accident though at present it occasioned no other effect but laughter, yet did strangely embolden the Factious, who now plainly discovered the Influence they had over the Multitude, and that they were perfectly at their Devotion.

Judges Opinion about the Earl of *Strafford*.

Saturday,
May 8.

Things being in this Distraction, and few of the Lords daring to appear at the House, yet the Bill went on but slowly, but in conclusion, the Judges to give the better Countenance to the Matter, being demanded their opinion, and the Lord Chief Justice of the King's-Bench delivering it as their Unanimous Opinion, That upon all that which their Lordships have Voted to be proved, the Earl of *Strafford* doth deserve to undergo the pains and forfeitures of High-Treason; and the Bill for perpetuating the Parliament which was brought up from the Commons the day before being quickly dispatched, read and passed the next, being *Saturday May the 8th*. The Bill of Attainder was also passed the House of Lords, but yet not without Opposition, for all the Lords except 45 being absent, of those it was carried but by 7 Votes, 19 giving their Not-content, to 26 that gave their content to the passing of this Fatal Bill.

The great Difficulty after all was to be yet overcome in procuring the Royal assent, and for this purpose both the Houses attended his Majesty in the Banqueting-House to move him to it, to which they received Answer, That upon *Monday* they should know His Majesties Resolution.

All *Sunday* the King struggled with himself what to do in this Affair, and certainly never was any Poor Prince so harassed between the Importunities of pretended necessity of State, and the doubts of his own Conscience, which told him the Earl was Innocent of what he was to die for; the Lord-Chamberlain told him he acted like *David*, and cited 2 *Chron.* 19. from *Vers.* the 5 to 8. and that should he deny this it would be construed that he loved his Enemies and hated his Friends, and that if he did not speak comfortably to the People, they would desert him, which would be worse than all the Evils that had befallen him in his life. The King sent for the Judges and the Bishops to assist him, the Bishops referred him to the Judges yet told him, That, in his Conscience he found not the Earl guilty in matter of Fact he ought not to pass the Bill; but for matter of Law what was Treason they referred him to the Judges, who according to their Oath ought to carry themselves indifferently between him and his Subjects; only Doctor *Juxon* resolutely told him that if he were not satisfied in his Conscience he ought not to do

do it whatsoever happened, the King complained of the Judges, that they had not satisfied him, nor indeed durst they give their Opinions freely for the satisfaction of his Conscience, their own Consciences being over-awed and terrified, their very Courage and Reason, having deserted them in this Common Extremity, and by their dubious answers abusing him, as he said, not easing him of his Scruples. The general advice was to submit to the present necessity, but how dearly both the King and they paid for making Religion truckle to reason of State, hear him speak himself in his own Book concerning the Death of this Great Man.

1641.

I Looked upon my Lord of Strafford as a Gentleman, whose great abilities might make a Prince rather afraid, than ashamed to imploy him, in the greatest affairs of State.

Εἰκὼν Βασιλική upon the Earl of Straffords Death.

For those were prone to create in him great confidence of undertakings, and this was like enough to betray him to great Errors, and many Enemies: whereof he could not but contract good store, while moving in so high a Sphear, and with so vigorous a Luster, he must needs (as the Sun) raise many envious exhalations, which condensed by a Popular odium, were capable to cast a cloud upon the brightest merit and integrity.

Though I cannot in my Judgment approve all he did, driven (it may be) by the necessities of times, and the temper of that people, more than led by his own disposition to any height and rigor of Actions: yet I could never be convinced of any such crininousness in him, as willingly to expose his life to the stroke of Justice and Malice of his enemies.

I never met with a more unhappy conjuncture of affairs, than in the business of that unfortunate Earl; when between my own unsatisfiedness in Conscience, and a necessity (as some told me) of satisfying the importunities of some people; I was perswaded by those, that I think wished me well, to chuse rather what was safe, than what seemed just: preferring the outward peace of my Kingdoms with men, before that inward exactness of Conscience before God.

And indeed, I am so far from excusing or denying that compliance on my part (for plenary consent it was not) to his destruction, whom in my judgment I thought not, by any clear Law, guilty of death; that I never did bear any touch of Conscience with greater regret: which, as a sign of my repentance, I have often with sorrow confessed, both to God and Men, as an Act of so sinful frailty, that it discovered more a fear of man, than of God, whose Name and Place on Earth no man is worthy to bear, who will avoid inconveniencies of State, by Acts of so high injustice, as no publick convenience can expiate or compensate.

I see it a bad exchange to wound a mans own Conscience, thereby to salve State sores; to calm the storms of popular discontents, by stirring up a Tempest in a mans own bosom.

Nor hath Gods Justice failed in the event and sad consequences, to shew the World the fallacy of that Maxim, Better one man perish (though unjustly) than the people be displeased or destroyed.

For, in all likelihood, I could never have suffered with my people, greater calamities (yet with greater comfort) had I vindicated Strafford's innocence, at least by denying to Sign that destructive Bill, according to that Justice which my Conscience suggested to me, then I have done since I gratified some mens unthankful importunities with so cruel a favour; and I have observed, that those, who counsell'd me to Sign that Bill, have been so far

1641.

from receiving the rewards of such ingratiatings with the People, that no men have been harassed and crushed more than they: he only hath been least vexed by them, who counselled me, not to consent against the Vote of my own Conscience; I hope God hath forgiven me and them the sinful rashness of that business.

To which, being in my Soul so fully Conscious, those Judgments God hath pleased to send upon me, are so much the more welcome, as a means (I hope) which his mercy hath sanctified so to me, as to make me repent of that unjust Act (for so it was to me) and for the future to teach me, that the best rule of policy is to prefer the doing of Justice before all enjoyments, and the peace of my Conscience, before the preservation of my Kingdoms.

Nor hath any thing more fortified my resolutions, against all those violent importunities, which since have sought to gain a like consent from me, to Acts, wherein my Conscience is unsatisfied, than the sharp touches I have had for what passed me, in my Lord of Straffords business.

Not that I resolved to have employed him in my affairs, against the advice of my Parliament; but I would not have had any hand in his death, of whose guiltiness I was better assured, than any man living could be.

Nor were the crimes objected against him so clear, as after a long and fair hearing, to give convincing satisfaction to the major part of both Houses; especially that of the Lords, of whom scarce a third part were present, when the Bill passed that House: And for the House of Commons, many Gentlemen disposed enough to diminish my Lord of Strafford's Greatness and Power, yet unsatisfied of his Guilt in Law, durst not condemn him to dye: who for their integrity in their Votes, were, by posting their Names, exposed to the popular Calumny, Hatred, and Fury, which grew then so exorbitant in their clamors for Justice, (That is, to have both my self, and the Two Houses Vote, and do as they would have us) that many ('tis thought) were rather terrified to concur with the condemning party, than satisfied, that of right they ought so to do.

And that after Act, vacating the Authority of the precedent, for future imitation, sufficiently tells the world, that some remorse touched even his most implacable Enemies, as knowing he had very hard measure, and such as they would be very loath should be repeated to themselves.

This tenderness and regret I find in my Soul, for having had any hand, and that very unwillingly God knows, in the shedding one mans Blood unjustly (though under the colour of the Formalities of Justice and pretences of avoiding publick Mischiefs) which may I hope be some Evidence before God and Man, to all Posterity, that I am far from bearing justly the vast load and guilt of all that blood which hath been shed in this unhappy War; which some men will needs charge upon me, to ease their own Souls, who am and ever shall be more afraid to take away any mans life unjustly, than to lose my own.

Nor was this all, for besides what he said at his own Death he acquainted Doctor Sheldon, afterwards Archbishop of Canterbury, with his Resolution, if ever he was in a Condition to perform his Vows, of which this was one, To do publick Pennance for the injustice he had suffered to be done to the Earl of Strafford, as may at large be seen in his Life written by Dr. Perin chief, fol. 119.

Nothing was sounded in the Kings Ears but Fears, Terrors, and Threatnings of Worse and Worse, Tumults and Rebellions from every quarter

quarter of the City and every corner of the Kingdom; and indeed the King who had seen the effects of them both in *Scotland* and *England*, could not but have very terrible apprehensions of them. At last having wraſtled him breathleſs, he was vanquiſhed by Importunity and neceſſity, and yielded to the Paſſing of theſe two Fatal Bills by Commiſſion, the one for the Earl's, and the other as it proved in the Event, for his own Execution.

Upon *Monday May* the 10th, Mr. *Maxwell* Gentleman-Uſher to the Lords, came to acquaint the Commons with the good news that His Maſteſties Aſſent to the two Bills was to be given by Commiſſion, and that their Lordſhips did expect Mr. *Speaker* and the Houſe of Commons to come up. It ſeems the Gentleman was ſomething tranſported, as ſure all the world was out of their wits, for he came without the Black Rod, and entred without being called in, at which there was Exceptions taken; but the News he brought was ſo agreeable, that the tranſport of it, did him the favour to take off the Reſentments of the Houſe, who at another time would not have pocketted up ſuch an affront with ſilence.

The Commiſſion was granted under the *Great-Seal* of *England* directed unto the Lord *Privy-Seal*, Lord *Great Chamberlain*, Lord *Steward*, or any two of them for paſſing the Royal Aſſent to two Bills, the one intituled, An Act of Attainder of *Thomas Earl of Strafford* of High-Treſon, the other, An Act to prevent the Inconveniencies which may happen by the untimely Adjourning, Proroguing or Diſſolving of this preſent Parliament. The Lords being all in their Robes, and the Commiſſioners ſate upon a Form ſtanding acroſs the Houſe between the Chair of State and the Lord *Keeper's* Woolſack, and the Houſe of Commons with their *Speaker* being come up, the Clerk of the Parliament delivered the Commiſſion whereunto the Bills were annexed, upon his knee. Then the Lord *Privy-Seal* declared to both Houſes, that his Maſteſty had an intent to have come himſelf this Day to have given his Royal Aſſent to theſe two Bills, but ſome important Occaſions had prevented him, and ſo his Maſteſty had granted a Commiſſion for giving the Royal Aſſent, which was delivered to the Clerk of the Parliament who carried it to his Table and read it, this being done the Clerk of the Crown read the Titles of the Bills, and the Clerk of the Parliament pronounced the Royal Aſſent to them both ſeverally. The Bill of Attainder was as follows,

W Hereas the Knights, Citizens, and Bargesses of the Houſe of Commons, in this preſent Parliament aſſembled, have in the name of themſelves, and of all the Commons of *England*, impeached *Thomas Earl of Strafford* of High-Treſon, for endeavouring to ſubvert the ancient and Fundamental Laws and Government of his Maſteſties Realms of *England* and *Ireland*, and to introduce an Arbitrary and Tyrannical Government againſt Law in the ſaid Kingdoms; and for exerciſing a Tyrannous and exorbitant power, over and againſt the Laws of the ſaid Kingdoms, over the Liberties, Eſtates, and Lives of his Maſteſties Subjects; and likewise for having by his own Authority, commanded the laying and aſſeiſing of Soldiers upon his Maſteſties Subjects in *Ireland*, againſt their conſents, to compel them to obey his unlawful Commands and Orders made upon Paper-Petitions, in cauſes between Party and Party, which accordingly was executed upon divers of his Maſteſties Subjects in a Warlike manner, within the ſaid Realm

1641.

Monday,
May 10.
Bill of Attainder
passed by
Commiffion.

The manner
of paſſing
Bills by Com-
miſſion.

The Bill of
Attainder a-
gainſt the Earl
of *Strafford*
paſſed May
the 10th.

1641.

of Ireland; and in so doing, did levy War against the Kings Majesty and his liege people in that Kingdom; And also for that he upon the unhappy Dissolution of the last Parliament, did slander the House of Commons to his Majesty, and did counsel and advise his Majesty, that he was loose and absolved from the rules of Government, and that he had an Army in Ireland, by which he might reduce this Kingdom; for which he deserves to undergo the pains and forfeitures of High-Treason.

And the said Earl hath been also an incendiary of the Wars between the two Kingdoms of England and Scotland: all which offences have been sufficiently proved against the said Earl upon his impeachment.

Be it therefore enacted by the Kings most excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by authority of the same, That the said Earl of Strafford for the heinous crimes and offences aforesaid, stand, and be adjudged and attainted of High-Treason, and shall suffer such pain of Death, and incur the forfeitures of his Goods, and Chattels, Lands, Tenements, and Hereditaments of any estate of Free-hold or Inheritance in the said Kingdoms of England and Ireland, which the said Earl, or any other to his use, or in trust for him, have or had the day of the first sitting of this present Parliament, or at any time since.

Provided that no Judge or Judges, Justice or Justices whatsoever, shall adjudge or interpret any Act or thing to be Treason, nor in any other manner than he or they should or ought to have done before the making of this Act, and as if this Act had never been had or made. Saving alwayes unto all and singular persons and bodies, politick and corporal, their Heirs and Successors, others than the said Earl and his Heirs, and such as claim by, from, or under him, all such right, title, and interest, of, in, and to all and singular, such of the said Lands, Tenements, and Hereditaments as he, they, or any of them, had before the first day of this present Parliament, any thing herein contained to the contrary notwithstanding.

Provided that the passing of this present Act, and his Majesties Assent thereunto, shall not be any determination of this present Sessions of Parliament, but that this present Sessions of Parliament and all Bills and matter whatsoever depending in Parliament, and not fully enacted or determined. And all Statutes and Acts of Parliament, which have their continuance until the end of this present Session of Parliament, shall remain, continue, and be in full force, as if this Act had not been.

The Earl understanding that the Bill was passed, did humbly Petition the House as follows:

The Earl of
Strafford's Pe-
tition to the
House of
Peers.

Seeing it is the good Will and Pleasure of God, that your Petitioner is now shortly to pay that Duty which we all owe to our frail Nature; he shall in all Christian Patience and Charity conform and submit himself to your Justice in a comfortable assurance of the great hope laid up for us in the Mercy and Merits of our Saviour blessed for ever: only he humbly craves to return your Lordships most humble thanks for your Noble Compassion towards those innocent Children, whom now with his last blessing he must commit to the protection of Almighty God, beseeching your Lordships to finish his Pious intention towards them, and desiring that the Reward thereof may be fulfilled in you by him that is able to give above all that we are able ask or think, wherein I trust the Honourable House of Commons will afford their Christian Assistance. And so beseeching your Lordships charitably to forgive all his Omissions

Omissions and infirmities he doth very heartily and truly recommend your Lordships to the Mercies of our Heavenly Father, and that for his goodness he may perfect you in every good work, Amen.

1641.

The next day being Tuesday May 11. the King sent this Passionate Letter to the Lords in behalf of the Earl.

Tuesday,
May 11.

My Lords,

I Did yesterday satisfie the Justice of the Kingdom, by passing the Bill of Attainder against the Earl of Strafford; but Mercy being as inherent and inseperable to a King as Justice, I desire at this time in some measure to shew that likewise, by suffering that unfortunate Man to fulfil the Natural Course of his Life in a Close Imprisonment; Tet so, if ever he make the least offer to escape, or offer directly, or indirectly to meddle in any sort of publick business, especially with me, either by Message or Letter, it shall cost him his Life, without further Process; This if it may be done without the Discontentment of my People, will be an unspeakable contentment to me; to which end, as in the first place, I by this Letter do earnestly desire your Approbation, and to endear it more, have chosen him to carry it, that of all your House is most dear to me; So I desire that by a Conference, you will endeavour to give the House of Commons Contentment, assuring you that the Exercise of Mercy is no more pleasing to me, than to see both Houses of Parliament Consent for my sake, that I should moderate the severity of the Law in so important a Case.

The Kings
Letter to the
Lords con-
cerning the
E. of Strafford.

I will not say, that your Complying with me in this my intended Mercy, shall make me more willing, but certainly 'twill make me more Chearful, in Granting your just Grievances. But, if no less then his Life can satisfie my people, I must say, Fiat Justitia. Thus again, recommending the Consideration of my Intention to you, I rest,

Your unalterable and affectionate Friend,

Whitehall, 11th of
May, 1641.

Charles R.

If he must dye, it were Charity to Reprieve him till Saturday.

This Letter, all Written with the Kings own Hand, and delivered by the Hand of the Prince, was Read twice in the House, of and after serious Consideration, the House resolved presently to send 12 of the Peers Messengers to the King, humbly to signifie, That neither of the Two Intentions, expressed in the Letter, could, with duty in them or without danger to himself, his dearest Consort the Queen, and all the Young Princes their Children, possibly be Advised; all which being done accordingly, and the Reasons shewed to His Majesty, he suffered no more words to come from them: but, out of the fulness of His heart, to the observance of Justice, and for the Contentment of His People, told them, That what he intended by his Letter was, with an (if) if it might be done without Discontentment of his People; if that cannot be, I say again, the same I writ, Fiat Justitia: My other intention proceeding out of Charity for a few days Respite, was upon certain Information, that his Estate was

Twelve Lords
sent to the
King.

1641.

was so distracted, that it necessarily required some few dayes for settlement thereof.

Whereunto the Lords Answered, *Their purpose was to be Suitors to his Majesty, for favour to be shewed to his Innocent Children; and if himself had made any provision for them, the same might hold.*

This was well-liking unto his Majesty, who thereupon departed from the Lords: At his Majesties parting they offered up into his hands the Letter it self which he had sent; but He was pleased to say, *My Lords, What I have written to you, I shall be content it be Registred by you in your House; In it you see my mind, I hope you will use it to my Honour.*

This, upon return of the Lords from the King was presently Reported to the House by the Lord *Privy-Seal*, and Ordered that these Lines should go out with the Kings Letter, if any Copies of the Letter were dispersed.

The night before his Execution he sent for the Lieutenant of the Tower, and asked him if he might not see and speak with my Lord Archbishop of *Canterbury*, and being answered that he could not permit it without Order from the Parliament, Mr. Lieutenant, said he, you shall hear what passeth between us, it is not a time for me to Plot Treason, or for him to Plot Heresie; to Which the Lieutenant answered, That his Lordship might Petition the Parliament for that favour; No, said he, I have gotten my Dispatch from them, and will trouble them no more; I am now Petitioning an higher Court, where neither Partiality can be expected nor Error feared, but, my Lord, said he, turning to the Primate of *Ireland* then with him, what I would have spoken to his Grace of *Canterbury* is this, You shall desire the Archbishop to lend me his Prayers this night, and to give me his blessing when I go abroad to morrow, and to be in his Window, that by my last farewell I may give him thanks for this, and all his other former favours: the Lord Primate immediately did his Message and returned with this Answer from my Lord of *Canterbury*, That in Conscience he was bound to do the first, and in duty and obligation to do the last, but that he feared his weakness and Passion would scarce lend him Eyes to behold his last departure.

wednesday,
May 12.

And now we come to conduct this Illustrious Life to the last Scene and Epilogue of his Tragedy, having accoutred his Soul with necessary Preparation, he came out of his Chamber, attended by several Gentlemen and Persons of Quality, together with the Lieutenant of the Tower and the Guards; when he drew near the Archbishop's Lodgings, he said to the Lieutenant, Sir though I do not see the Archbishop, give me leave I pray you to do my last observance towards his Rooms; but the Archbishop being advertized of his coming immediately came to the Window, upon which the Earl bowing himself to the Ground said, My Lord, your Prayers and your Blessing. The Archbishop lifting up his hands gave him both; but unable to support the suddain Effort with which a passionate Friendship, deluged his Soul at that dismal separation, he sunk down with grief, as if his great Soul would have forced a Passage, to wait upon the Earl's in its passage to Eternity; nor will any persons who have been touched with the tenderness of a real Friendship, think this so great a Weakness as his and the Earls Enemies did endeavour to represent it, if they consider that such a separation carries in it even all that can be thought terrible or afflictive in Death it self. The Earl

went

went a little further, and making a second bow took his last Adieu, saying, Farewel my Lord, God protect your Innocence.

1641.

As he was thus, with a Countenance so Serene and August, more like a General to a Triumph, then a Prisoner to an infamous Scaffold, marching out of the *Tower*, the Lieutenant desired him to take Coach, lest the enraged People should fall upon him and tear him in pieces; No, said he, with an Air full of Innocence and Courage, Mr. Lieutenant, I dare look Death in the Face, and I hope the People too; have you a care that I do not Escape, and 'tis equal to me how I dye, whether by the stroak of the Executioner, or the madness and fury of the People; if that may give them better content, it is all one to me.

Being mounted upon the Scaffold, he made his Obeysances, and began to take his last farewell of his Friends, who appeared much more concerned than himself, and observing his Brother Sir *George Wentworth* to weep excessively, Brother said he to him with a cheartful briskness, what do you see in me to deserve these Tears? doth any indecent fear betray in me a Guilt, or my Innocent boldness any Atheism? think now that you are accompanying me the third time to my Marriage-Bed. Never did I throw off my Clothes with greater freedom and content, then in this preparation to my Grave; That Stock, pointing to the Block, must be my Pillow, here shall I rest from all my Labours; No thoughts of Envy, no dreams of Treason, Jealousies or Cares for the King, the State or my self shall interrupt this easie Sleep, therefore Brother with me pittie those who besides their Intention have made me happy, Rejoyce in my happiness, Rejoyce in my Innocence.

Then kneeling down he made this Protestation: I hope Gentlemen, you do think that neither the fear of Loss, nor love of Reputation, will suffer me to belye God and mine own Conscience at this time; I am now in the very door going out, and my next step must be from time to Eternity either of Peace or Pain; To clear my self before you all I do here solemnly call God to witness I am not Guilty, so far as I can understand, of the great Crime laid to my Charge, nor have ever had the least inclination or Intention to damnifie or prejudice, the King, the State, the Laws, or the Religion of this Kingdom, but with my best endeavours to serve all and to support all, So may God be merciful to my Soul.

Then rising up, he said, He desired to speak something to the People, but was affraid he should be heard by few in regard of the Noise, but having first fitted himself to the Block, and rising again he thus addressed himself to the Spectators.

M*Y Lord Primate of Ireland, and my Lords, and the rest of these Noble Gentlemen, It is a great Comfort to me to have your Lordships by me this day, because I have been known to you a long time, and I now desire to be heard a few words.*

I come here, my Lords, to pay my last Debt to Sin, which is Death; And through the Mercies of God to rise again to Eternal Glory.

My Lords, If I may use a few words, I shall take it as a great Courtesy from you; I come here to submit to the Judgment that is passed against me; I do it with a very quiet and contented Mind; I do freely forgive all the World; a forgiveness not from the Teeth outward (as they say) but from my heart; I speak in the presence of Almighty God, before whom I stand, that there is not a displeasing thought that ariseth in me against any Man: I thank God I say truly, my Conscience bears me Witness, that in all
the

The Earl of
Strafford's
Speech upon
the Scaffold,
May 12.

1641.

the Honour I had to serve His Majesty, I had not any Intention in my heart, but what did aim at the Joynt and Individual prosperity of the King and His People; although it be my ill hap to be misconstrued; I am not the first Man that hath suffered in this kind: It is a Common Portion that befalls men in this Life, Righteous Judgment shall be hereafter; here we are subject to Error, and Misjudging one another.

One thing I desire to be heard in, and do hope, that for Christian Charities sake I shall be believed; I was so far from being against Parliaments, that I did always think Parliaments in England to be the happy Constitution of the Kingdom and Nation, and the best means, under God, to make the King and his People happy: As for my death, I do here acquit all the World, and beseech God to forgive them; In particular, I am very glad His Majesty conceives me not meriting so severe and heavy a punishment, as the utmost Execution of this Sentence; I do infinitely rejoyce in it, and in that Mercy of His, and do beseech God to Return Him the same, that he may find Mercy when he hath most need of it. I wish this Kingdom all prosperity and happiness in the World: I did it Living, and now Dying it is my Wish.

I profess heartily my apprehension, and do humbly recommend it to you, and wish that every Man would lay his hand on his heart, and consider seriously, Whether the beginning of the Peoples happiness should be written in Letters of Blood? I fear they are in a Wrong Way; I desire Almighty God, that no one drop of my Blood rise up in Judgment against them; I have but one word more, and that is for my Religion.

My Lord of Armagh, I do profess my self seriously, faithfully, and truly to be an obedient Son of the Church of England; In that Church I was born and bred, in that Religion I have lived, and now in that I dye; Prosperity and Happiness be ever to it.

It hath been said I was inclined to Popery, if it be an Objection worth the answering, let me say truly from my heart, That since I was Twenty one years of age unto this day, going on 49 years, I never had thought or doubt of the truth of this Religion, nor had ever any the boldness to suggest to me the contrary, to my best remembrance.

And so being reconciled to the Mercies of Jesus Christ my Saviour, into whose bosom I hope shortly to be gathered, to enjoy Eternal Happiness, which shall never have an end; I desire heartily to be forgiven of every Man, if any rash or unadvised Words or Deeds have passed from me; and desire all your Prayers; and so my Lord Farewel; and farewell all things in this World.

The Lord strengthen my Faith, and give me Confidence and Assurance in the Merits of Christ Jesus; I trust in God we shall all meet to live Eternally in Heaven, and receive the accomplishment of all Happiness, where every Tear shall be wiped from our Eyes, and sad thoughts from our Hearts; and so God bless this Kingdom, and Jesus have Mercy on my Soul.

Then turning himself about he saluted all the Noblemen, and took a solemn leave of all considerable persons on the Scaffold, giving them his Hand,

And after that he said, Gentlemen, I would say my Prayers, and I intreat you all to pray with me, and for me: Then his Chaplain laid the Book of Common-Prayer upon the Chair before him, as he kneeled down, on which he prayed almost a quarter of an hour, then he prayed as long or longer without a Book, and ended with the Lords Prayer:

then

then standing up, he spyed his Brother Sir George Wentworth, and call'd him to him, and said, *Brother, We must part, remember me to my Sister, and to my Wife, and carry my Blessing to my Eldest Son, and charge him from me, That he fear God, and continue an Obedient Son of the Church of England, and that he approve himself a Faithful Subject to the King, and tell him, That he should not have any private Grudge or Revenge towards any concerning Me, and bid him beware to meddle not with Church Livings, for that will prove a Moth and Canker to him in his Estate, and wish him to content himself to be a Servant to his Countrey, as a Justice of Peace in his County, not aiming at higher Preferments: Carry my Blessing also to my Daughter Ann, and Arrabella, charge them to fear and serve God, and he will bless them, not forgetting my little Infant, that knows neither good nor evil, and cannot speak for it self, God speak for it, and bless it.* Then said he, *I have nigh done; One stroke will make my Wife Husbandless, my dear Children Fatherless, and my poor Servants Masterless, and seperate me from my dear Brother, and all my Friends, but let God be to you and them all in all.*

After that, going to take off his Doublet, and to make himself unready, he said, *I thank God I am no more afraid of Death, nor daunted with any discouragements arising from any fears, but do as chearfully put off my Doublet at this time, as ever I did when I went to Bed.* Then he put off his Doublet, and wound up his Hair with his Hands, and put on a white Cap.

Then he called, *Where is the man that should do this last Office?* (meaning the Executioner) *call him to me:* When he came and ask'd him forgiveness, he told him, *he forgave him and all the World;* Then kneeling down by the Block, he went to Prayer again himself, the Bishop of *Armagh* kneeling on the one side, and the Minister on the other; to the which Minister after Prayer he turned himself, and spoke some few words softly, having his Hands lifted up, the Minister closed his Hands with his; then bowing himself to the Earth, to lay down his Head on the Block, he told the Executioner, *That he would first lay down his Head to try the fitness of the Block, and take it up again, before he laid it down for good and all;* and so he did; and before he laid it down again, he told the Executioner, *That he would give him warning when to strike, by stretching forth his Hands;* and then laid down his Neck on the Block, stretching out his Hands, the Executioner struck off his Head at one blow, then took the Head up in his Hand, and shewed it to all the People, and said; *God Save the King.*

A Copy of the Paper containing the Heads of the Lord Strafford's last Speech, written by his own Hand, as it was left upon the Scaffold.

1. **I** Come to pay the last Debt we owe to Sin.
2. **I** Rise to Righteousness.
3. Dye willingly.
4. Forgive all.
5. Submit to what is Voted Justice, but my intentions Innocent from Subverting, &c.

1641.

6. *Wishing nothing more than great Prosperity to King and People.*
7. *Acquit the King constrained.*
8. *Beseech to Repent.*
9. *Strange way to write the beginning of Reformation, and Settlement of a Kingdom in Blood on themselves.*
10. *Beseech that Demand may rest there.*
11. *Call not Blood on themselves.*
12. *Dye in the Faith of the Church.*
13. *Pray for it, and desire their Prayers with me.*

His Body was afterwards Embalmed and Carried down into *Yorkshire* to be buried among his Ancestors.

Thus fell the Wonder of that Age, and of all succeeding, of whom I think a Greater Character cannot be given than those in short of the Archbishop of *Canterbury* who knew him best, and the Primate of *Ireland* who saw him Dye.

The Archbishop discoursing with Dr. *Whimberley* concerning that Passage at their parting, said, That perhaps it was a softness unbecoming him, but he hoped by Gods Assistance and his own Innocence, that when he should come to his own Execution, which he Expected, the World should perceive, that he had been more sensible of the Earl of *Strafford's* Loss than of his own, and with good reason he said, for that Gentleman was more Serviceable to the Church, not to mention the State, then either himself or all the Church-men of *England* had been.

And the Lord Primate of *Ireland* giving an account to the King of the manner of his Death, told him, *That he had seen many Die, but never saw so White a Soul return to its Maker*: At which Expression that Good and Compassionate Prince was so tenderly touched, that turning himself aside, he could not forbear paying the sad Tribute of some Tears to the Innocent *Manes* of the Illustrious Sufferer.

He left these Three Instructions to his Son in Writing.

First, That he should continue still to be brought up under those Governors to whose Charge he had committed him, as being the best he could chuse of all those within his Knowledge, and that he should not change them, unless they were weary of him; that he should rather want himself, than they should want any thing they could desire.

Secondly, If his Prince should call him to Publicque Service, that he should carefully undertake it, to testifie his Obedience, and withal to be Faithful and Sincere to his Master, though he should come to the same End that himself did.

Thirdly, That he foresaw, that Ruin was like to come upon the Revenues of the Church, and that perhaps they might be shared among the Nobility and Gentry; but charged him never to meddle with any of it; for the Curse of God would follow all them that meddle with such a thing that tends to the destruction of the most Apostolical Church upon Earth.

Thus lay his Innocence asleep with his injured Ashes, till together with Monarchy and Episcopacy, it received a Resurrection at the Hap-

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py Restauration of his Most Serene Majestie King *Charles* the Second, when by publique Act of Parliament publique Justice was done to his Memory and the Injustice of his Sufferings. The Act was as follows.

1641.

WHereas Thomas late Earl of Strafford, was impeached of High-Treason, upon pretence of endeavouring to subvert the Fundamental Laws, and called to a publick and solemn Arraignment, and Tryal before the Peers in Parliament, where he made a particular Defence to every Article objected against him: insomuch that the turbulent party then seeking no hopes to effect their unjust Designs, by any ordinary way and method of Proceedings, did at last resolve to attempt the Destruction and Attainder of the said Earl, by an Act of Parliament, to be therefore purposely made to condemn him upon accumulative Treason, none of the pretended crimes being Treason apart, and so could not be in the whole, if they had been proved as they were not, and also adjudged him guilty of Constructive Treason (that is, of Levying War against the King) though it was only the Order of the Council-Board in Ireland, to be executed by a Sergeant at Arms, and three or four Soldiers, which was the constant practise of the Deputies there for a long time: To the which end, they having first presented a Bill for this intent, to the House of Commons, and finding there more opposition than they expected, they caused a multitude of tumultuous persons to come down to Westminster, armed with Swords and Staves, and to fill both the Palace-yards, and all the approaches to both Houses of Parliament, with Fury and Clamor, and to require Justice, speedy Justice against the Earl of Strafford; and having by those and other undue practises, obtained that Bill to pass the House of Commons, they caused the Names of those resolute Gentlemen, who in a Case of innocent Blood, had freely discharged their Consciences, being Fifty nine, to be posted up in several places about the Cities of London and Westminster, and stiled them Straffordians and Enemies to their Countrey, hoping thereby to deliver them up to the fury of the People, whom they had endeavoured to incense against them, and then procured the said Bill to be sent up to the House of Peers: where it having some time rested under great deliberation; at last, in a time, when a great part of the Peers were absent, by reason of the tumults, and many of those who were present, protested against it, the said Bill passed the House of Peers; and at length His Majesty, the late King CHARLES the I. of Glorious Memory, granted a Commission for giving His Royal Assent thereunto, which nevertheless was done by His said Majesty, with exceeding great sorrow then, and ever remembred by him with unexpressible grief of Heart, and out of His Majesties great Piety, he did publickly express it, when His own Sacred Life was taken away by the most detestable Traytors that ever were.

The Act for Reversing the Attainder of Thomas Earl of Strafford.

For all which Causes be it Declared and Enacted by the Kings most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, That the Act Entituled, An Act for the Attainder of Thomas Earl of Strafford of High-Treason, and all and every Clause, and Article, and thing therein contained, being obtained as aforesaid, is now hereby Repealed, Revoked, and Reversed.

1641.

And to the end that Right be done to the Memory of the deceased Earl of Strafford aforesaid; Be it further Enacted, That all Records and Proceedings of Parliament, relating to the said Attainder, be wholly Cancell'd, and taken off the File, or otherwise Defaced, and Obliterated, to the intent, the same may not be visible in after-ages, or brought into example, to the prejudice of any person whatsoever.

Provided, That this Act shall not extend to the future questioning of any person or persons, however concerned in this business, or who had any hand in the Tumults, or disorderly procuring the Act aforesaid, Any thing herein contained to the contrary thereof notwithstanding.

May his, and all the Innocent Blood that was shed after it, for ever sleep, and not like the Souls under the Altar call out, *Quousq; Domine*, crying for Vengeance upon this Nation.

The Poets of the Age were not wanting to Embalm the Memory of so great a *Mecænas* with Elegies and Epitaphs, though such was the little Envy of his Enemies, that they did not only suppress but punish the Printers and Publishers of them, one *Holmer* being clapt up in the *Gate-House* by a Vote of the Commons, for Printing Scandalous Verses upon the Earl of *Strafford*. Among the rest *Cleveland* then great in Reputation, bestowed these 2 Epitaphs upon this Noble Earl.

Epitaph upon the Earl of *Strafford*.

Here lies Wise and Valiant Dust,
 Huddled up 'twixt fit and just.
Strafford who was hurried hence
 'Twixt Treason and Convenience.
 He spent his time here in a Mist,
 A Papist, yet a Calvinist.
 His Princes nearest Joy and Grief:
 He had, yet wanted, all Relief.
 The Prop and Ruin of the State,
 The Peoples violent Love and Hate.
 One in extremes lov'd and abhorr'd,
 Riddles lye here. And in a word,
 Here lies Blood, and let it lye,
 Speechless still and never cry.

Epitaphium Thomæ Comitiss *Straffordii*, &c.

Exurge Cinis, tuumque solus qui potis es, scribe Epitaphium,
 Nequit Wentworthi non esse facundus, vel Cinis,
 Effare marmor, & quem cepisti comprehendere
 Macle & exprimere.
 Candidius meretur Urna, quam quod rubris
 Notatum est literis, Eloquentium.
 Atlas Regiminis Monarchici hic jacet lassus;
 Secunda Orbis Britannici Intelligentia;
 Rex Politiae & Prorex Hiberniae;
Straffordii & Virtutum Comes;
 Mens Jovis, Mercurii ingenium, & lingua Apollinis,
 Cui Anglia Hiberniam debuit, seipsam Hibernia;

Sydus

*Sydus Aquilonicum ; quo sub rubicunda vespera occidente
Nox simul & dies visa est ; dextroque oculo flevit
lævoque lætata est Anglia.*

*Theatrum Honoris, itemque scena calamitosa Virtutis ;
Actoribus, morbo, morte, & invidia,
Quæ ternis animosa Regnis, non vicit tamen
Sed oppressit.*

*Sic inclinavit Heros (non minus) caput
Belluæ (vel sic) multorum Caputum ;
Merces furoris Scotici, præter pecunias.
Erubuit ut tetegit securis,
Similem quippe nunquam degustavit sanguinem.
Monstrum narro ; fuit tam insensus legibus
Ut prius legem quam nata foret violavit ;
Hunc tamen non sustulit lex
Verùm necessitas non habens legem.
Abi Viator,
Cætera memorabunt posterì.*

Which for their sakes who understand not the Language, I have thus Translated into English, though not without loss to many of those Beauties and Graces which are so peculiar to the Latin, as not to be expressed in our Language.

An Epitaph upon Thomas Earl of Strafford, &c.

*Rise Noble Dust,
Thou only canst unto thy self be just ;
Write thine own Epitaph, speak thy wonted sence,
Great Wentworth's Ashes can't want Eloquence.
Although his Innocence deserves an Elegy
Whiter then Redstreak Marble can supply,
Yet weeping Marble tell,
Who does beneath thee dwell.
The Atlas of Monarchique State lies here
The second Mover of Great Britains Sphere,
The King of Politiques, Irelands Deputy,
And in a word,
Of Strafford and of Virtue, the Illustrious Lord,
Does underneath this Marble breathless lye.
The mighty Jove did his great mind bestow,
and nimble Mercury his Wit,
Apollo on his Tongue did sit,
Ireland her self, England to him did Ireland owe.
Bright Northern Star !
When in a Bloody Cloud he set,
Night and Day together met,
England did seem of her right Eye bereft,
To weep, and laugh untowardly with what was left.
The Scene of Honour, and the fatal Stage
Of Virtuous and Distressed Innocence,
The Actors Envy and Three Kingdoms rage
(against them what Defence ?)*

Opprest

1641.

Opprest but yet not overcome he stood,
 Unconquered still, and met the Rolling Flood;
 Thus the Illustrious Hero bow'd
 (For such he was at least)
 He bow'd his Noble Head unto the Beast
 Of many Heads, the Croud;
 Into the Bargain thrown
 Of ready Money then paid down,
 To Scottish Traytors to Invade the Crown.
 The blushing Ax amazed stood,
 It nere before had drunk such Blood!
 A wonderous thing I tell
 Illustrious Strafford fell
 Obnoxious to the Law, strange Crime!
 Before the Law was made to punish him.
 How Strafford dy'd then would you know?
 Lawless Necessity gave the Fatal blow.
 Pass on O Traveller, wee'd best
 Here leave him, and Posterity to weep the Rest.

It will possibly be some satisfaction to the Curiosity of the Reader, to see those Papers of Sir *Henry Vane's*, which seem to have been of such considerable import, as to have cast the Beam in the Fate of this great Person, and indeed I had done it in its proper place had those Papers then come to my hands; but however better late than not at all; and if they contribute to the satisfaction of the Inquisitive, they are to owe the Obligation, as upon all occasions I shall do, to the kindness of the Right Honourable Sir *Francis North*, Late Lord Chief Justice of the *Common-Pleas*, and now Lord-Keeper of the Great Seal of *England*; who was pleased to furnish me with a Transcript of some Memoirs of the late Earl of *Manchester's*, the Originals being written with the said Earls own hand, and therefore in his own words take the following account of that Affair.

An account
of Sir *Henry*
Vane's Notes
so fatal to the
Earl of *Straff-*
ford.

“ **W**hen the King had Dissolved the Parliament in *April*, 1640.
 “ He committed the management of his greatest concerns
 “ to certain Lords of his Council, who were called the Juncto. At this
 “ Table Sir *Henry Vane* as Secretary of State was present, and had ta-
 “ ken some rude and imperfect Notes of such Speeches as those Lords
 “ had severally delivered to the King by way of Debate; whether he
 “ Transcribed those Notes is uncertain; yet his great care in keeping
 “ them, makes it more than probable he designed to have something in
 “ readiness if an occasion should be offered that might turn to the Earl
 “ of *Strafford's* prejudice, against whom he had a private hatred, the
 “ Earl having obtained from the King the Title of *Raby* for his Barony,
 “ which was the hereditary possession of Sir *Henry Vane* (though by
 “ Gift from the King.)

“ But this Grudge lay concealed, lest the intended Revenge against
 “ the Earl should not take Effect in the proper season, for if Sir *Henry*
 “ *Vane's* Malice had been professed, the Earl of *Strafford's* Power
 “ would easily have disordered and disappointed all his opposite At-
 “ tempts. These Notes were therefore laid up in his Cabinet, till he
 “ found the differences betwixt the King and his Subjects of *Scotland*,
 “ to

“ to be in a fair way of composure, and then he thought it the fittest
 “ time to discover those private Councils, and engage the Lords and
 “ Commons when ever they met in Parliament to an irreconcilable ha-
 “ tred against him.

“ But his fears were great in owning himself as an Informer or Accuser,
 “ lest he should lose the Place and Favour which he held in Court, and
 “ be looked upon by the King as a Perjur'd Councillor, a false and un-
 “ worthy Servant. Yet he thought it might prove unsafe and unsucces-
 “ ful to imploy a Stranger in a business of so great Concernment to
 “ him; he therefore resolves to improve his Malice and Subtilty by one,
 “ whom nature had made his living Copy, and he takes such a
 “ Course as might cast the blemish upon his Son, yet gain the means of
 “ that Revenge which he designed.

“ He was then in a Treaty of Marriage for his Son, with the Daughter
 “ of Sir *Christopher Wray*, and being called upon to produce the chief
 “ Writings of his Estate, he being then at his Country House in *Kent*,
 “ gave his Son the Keys of his Cabinet at *Whitehall*, and directed him
 “ to such a Drawer were he should find those Writings which were de-
 “ sired; but no sooner had his Son opened the Cabinet and the Drawer
 “ according to his Fathers directions, but he found a Paper with this
 “ Indorsment. *Notes taken at the Junctio.* This Paper, either from his
 “ own Curiosity or his Fathers Direction he opens and reads; and ha-
 “ ving a particular Acquaintance with Mr. *Pym*, he repairs to him with
 “ great Expressions of a troubled Mind, not knowing what way to steer
 “ himself betwixt the Discharge of his Duty to the Common-wealth and
 “ his faithfulness to his Father.

“ Mr. *Pym* endeavoured to answer his Scruples, and having perused
 “ the Paper, he found many Expressions of dangerous consequence;
 “ he therefore took a Copy of those Notes for his own use, but when the
 “ Parliament met, he resolved to make use of them for the Service of
 “ the Publique; and assured Mr. *Vane*, that all tender care should be
 “ had of his Reputation, and of his Fathers security, and that his name
 “ should not be made use of as the Author of this Information, unless it
 “ should appear to him to be of absolute necessity to avow the Discovery
 “ of it. For these reasons the close Committee was desired; preparato-
 “ ry Examinations were contrived, that the truth of these Counsels
 “ and Advices delivered to the King by the Earl of *Strafford* might
 “ have been gained from the Confession of those Lords which were pre-
 “ sent at the Debates.

“ Upon this desire of the House of Commons the Lords declared that
 “ no Examination ought to be taken before the particular Charge against
 “ the Earl of *Strafford* were given in, and that they understood the de-
 “ sire of the House of Commons in no other sence, and therefore they
 “ Ordered, That for that time and in that case, all the Peers should be
 “ Examined upon Oath as Witnesses, and that the Assistants should like-
 “ wise be Examined upon Oath, if it were requited; and that they
 “ would endeavour with their best care to have the business kept secret,
 “ and that such of the House of Commons as should be made choice of,
 “ might be present at the taking such Preparatory Examinations as should
 “ be desired by them for perfecting of the Charge against the Earl of
 “ *Strafford*.

1641.

Sir Henry
Vane's Notes
taken at the
Juncto.

Sir Henry Vane's Papers the 5th of May, 1640.

L. L. Ireland.

No danger in undertaking the War, whether the Scots are to be reduced or not?

To reduce them by force, as the State of this Kingdom stands.

If his Majesty had not declared himself so soon, he would have declared himself for no War with Scotland. They would have given him plentifully.

The City to be called immediately and quickned to lend One Hundred Thousand Pounds.

The Shipping Money to be put vigorously upon Collection, those two ways will furnish his Majesty plentifully to go on with Arms and War against Scotland.

The manner of the War.

Stopping of the Trade of Scotland no prejudice to the Trade free with England for Cattel.

A Defensive War totally against it.

Offensive War into the Kingdom, His Opinion, few Months will make an end of the War, do you invade them.

Lord Arch-
bishop.

L. Arch.

If no more Money then proposed, how then to make an Offensive War a difficulty.

Whether to do nothing and let them alone, or to go on with a vigorous War.

L. L. Ireland.

Go vigorously on, or let them alone, no Defensive War, loss of Honour or Reputation, the quiet of England will hold out long, you will languish as between Saul and David.

Go on with an Offensive War as you first designed, loosed and absolved from all Rules of Government.

Being reduced to extreme necessity, every thing is to be done as power will admit, and that you are to do.

They refused, you are acquitted toward God and Man. You have an Army in Ireland you may imploy here to reduce this Kingdom.

Confident as any thing under Heaven, Scotland will not hold out Five Months, one Summer well imployed will do it, venture all I had, I would carry it or lose it.

Whether a Defensive War as impossible as an Offensive War! or whether to let them alone.

L. Arch.

Tried all ways and refused all ways. By the law of God you should have subsistence, and ought to have, and lawful to take it.

Lord. Cott.

L. Cott.

Leagues abroad they make and will, and therefore the defence of this Kingdom.

The

*The Lower House are weary both of King and Church.
It always hath been just to raise Moneys by this unavoidable Necessity,
therefore to be used being lawful.*

May,
1641.

L. L. Ireland.

Commission of Array to be put in Execution.

They are to bring them to the Borders.

In reason of State you have power when they are there to use them at the King's Pay; if any of the Lords can shew a better let them do it.

Town full of Nobility, who will talk of it, he will make them smart for it.

Obset.

Thus did Ambition and private Revenge disguise themselves under the popular pretence of publique Justice and tenderness for the safety of the Common-wealth. The truth is, Power and Greatness do always render the Great Ministers of State Criminals to Malice and Envy; and of this, I will give two remarkable Instances out of the above mentioned Memoirs of the Earl of Manchester.

"When, saith he, strickt Scrutiny was made into the Councils and Actions of those who were in greatest Power and Credit with the King, divers of the Privy-Council, most of the Judges, came under the Debate of a Capital or Criminal Impeachment, and the very Order of Episcopacy with all its Hierarchy, incurred the Odium of Superstitious Pride and Oppression. But they who were looked upon as the principal Instruments of those Mischiefs, which threatned the Ruine of the Three Kingdoms of England, Scotland and Ireland were, the Archbishop of Canterbury, the Earl of Strafford, the Marquiss Hamilton, and the Lord Cottington, these were of the Juncto where all things of consequence and privacy had been consulted and resolved, and these were designed first to be questioned.

The reason why the Marquess Hamilton and the Lord Cottington escaped the fury of the Faction.

"But the Marquiss Hamilton seeing a dark Cloud gathering over his head, thought it necessary to seek a timely Shelter, and upon consultation with his Friends about the most probable way for preventing of the Clamour of the Commons which might prove a fatal Vote against him, he was advised to improve his Interest in the Commissioners of Scotland; for he had personally obliged some of them, and the rest could not but acknowledge that he had Expressed a great care of his Nations happiness in all those employments wherein he had been trusted by his Majesty; for though he often shewed a great Aversion and activeness against them in their Cause and Quarrel, yet in all their Extremities they found him a Friend intending their good: He therefore pressed them to intercede for him, which they did with earnest solicitations. They likewise gave such Engagements for his future Compliance with the Parliaments Designs, as he was not only Exempt from all fear of Accusation, but he became a Confident in all their private Designs against others, and employed his Credit with the King for the obtaining many and great concessions.

"The Lord Cottington could not hope for so powerful an intercession, neither durst he rely on his Innocency as Parliament-proof; therefore he had recourse to that prudent if not subtle way, by stripping himself of his Skin to save his life. He knew the Mastership of

May,
1641.

“ the Wards was a place of that value and power as probably it might
“ stop the Mouths of his greedy Enemies, or else open the hearts of some
“ towards him, in a way of Protection and Friendship ; He therefore
“ declared to the King his condition, and propounded the making the
“ Lord Viscount *Say and Seal* to be his Successor. This proved a very
“ successful policy, for as soon as this was made known to those who
“ were concerned in their hopes of his place, all Criminal Aspersions
“ were laid aside, and he gained the advantage of a retired and quiet
“ being.

Thus far the said Earl in his Memoirs, who was no Stranger to the most private transactions of those persons and times.

The Fall of this lofty *Cedar* gave not only a general consternation to all the Kings Friends, but the greatest encouragement imaginable to the whole Faction ; who could not dissemble their satisfaction at their having gained so important a point, but that it boyled over at the Mouths of the less cautious and more warm of the Party ; insomuch that I have heard one who was inwardly acquainted among them affirm, that one of them, as I think Mr. *Pym*, was heard to boast of their success in words to this effect, *Have we, faith he, speaking of the Kings passing the Bill of Attainder against the Earl of Strafford, got him to part with Strafford : then he can deny us nothing.*

And certainly nothing could be of greater disadvantage to his Majesties Affairs, then this sacrificing a Great Court Favourite, to their Wills rather than to Law or Justice ; For the whole Nation knew how dear this Great Man was to his Master, and the great struglings which the King made, if possible to save him, and the reluctancy with which he seemed to resign him rather to necessity then reason, as it made the victory appear greater, so it taught all others of the Kings Friends the greatness of their danger, and the impossibility of stemming so strong a Torrent, as had wrackt so brave a person as the Earl of *Strafford*. Nor did they think it any disparagement when they saw the King himself stoop to such compliances, for them also to bend their Necks. And doubtless as nothing can more encourage the Servants and Ministers of any Prince, in circumstances and difficulties of this nature, than the courage and resolution of the Prince himself, so nothing can depress their Spirits, comparably to the fear of seeing themselves deserted and left to the Fury and Rage of their Enemies, for adhering faithfully to, and vigorously prosecuting the Interests of their Master. And had his Majesty made use of his Royal Prerogative and refused to Pass the Fatal Bill, it could not have happened worse to him then afterwards it did, but it might have proved better ; because they were not then in a condition to Levy a Formal War against him as afterwards they did, his Majesty having a very good Army in the *North* to have Opposed them, and had the Earl saved his, a Noble and Valiant General to have been at the head of them.

But to return to the Parliamentary Affairs, the Tumults were grown so insolent, that his Majesty being sensible of the danger of them, sent a Message to the Lords about them. Upon which the Lords desired a Conference with the Commons, the heads of which the Lord *Privy-Seal* delivered as follows.

Conference about the Tumults.

That he was commanded from the King to declare to both Houses at a Conference, that the People do assemble in such unusual numbers, that his Majesty

Majesty fears the Council and the Peace of the Kingdom may be interrupted: and therefore as a King that loves Peace, takes care that all Proceedings in the Parliament may be in a fair temperate and peaceable manner. It being now time of Parliament his Majesty will not of himself prescribe the way, but expects that both Houses upon mutual Conference will advise such a course which may best preserve the quietness of the Kingdom.

May,
1641.

That their Lordships Yesterday morning finding a Multitude in the Palace-Yard, did make an Order, and declared it to Ten of the principal Persons of them in the open House of Parliament.

That the House of Commons being the Representative Body of the Commons of this Kingdom, who had brought in the Bill against the Earl of Strafford, their Lordships thought fit to let them know, that their Lordships are going on to the final Conclusion of the great business concerning the Earl; but are so compassed with Multitudes that their Lordships may be conceived not to be free, unless these Companies of People be sent home, whose flocking hither doth only hinder their Lordships from going on to conclude that great business.

And therefore their Lordships desire them to consider with their Lordships, how this business of such Importance may be first expedited and not interrupted by the concourse of such numbers of People, the business having no other hindrance but their Concourse about both Houses in this manner.

But the Commons had occasion for the Tumults, and they were not to be discouraged, and therefore instead of an Answer they at another Conference present them with the Protestation, of which before.

Amidst all these concerns of greater Moment, the Faction was still at leizure not only to affright their Enemies but to encourage their Friends. For on the one side, on Tuesday the 4th of May, these Votes Passed in favour of John Lilburn the great and avowed Enemy of Episcopacy, for which he had been Sentenced in the Star-Chamber, and upon Mr. Rouse's reporting of his Case to the House;

Tuesday May
the 4th.

Resolved &c. That the Sentence in the Star-Chamber given against John Lilburn, is illegal and against the Liberty of the Subject, and also bloody, wicked, cruel, barbarous and tyrannical.

Votes in fa-
vour of John
Lilburn.

Resolved &c. That Reparation ought to be given to Mr. John Lilburn for his Imprisonment, suffering and loss sustained by that illegal Sentence.

And on the other side that they might bring the Bishops under the Popular Odium, Mr. William Thomas in a long and studied Speech, which was afterwards Printed and Published, endeavoured to blacken the whole Order to that Degree, that they might not appear fit to continue Members of Parliament, or indeed fit to live; for having got a taste of the Blood of Strafford, they were now meditating how to make the Ax taste of the Blood of the Archbishop of Canterbury, whom the Presbyterians and other Sectaries esteemed one of their greatest Enemies. The Speech as I find it Printed is as follows.

"I have formerly spoken of the present Church Government, by Arch-
"bishops, Bishops, &c. Declaring the corruption, and unsoundness
"thereof, and how far degenerate, if not contrary to the pure Primi-
"tive Apostolical Institution: also I have touched a little of the other
Vol. II. E e 2 " parts,

Mr. William
Thomas his
Speech against
Bishops, May
the 4th, 1641.

May,
1641.

Hollinghead.

Rand. Higden
Polycron. lib. 6.
cap. 74.

Gervasius Do-
robernenfis.

William
Malmesbury.

William
Malmesbury.

“ parts, as how unlawful it was for them to intermeddle in Temporal
“ Affairs, to use Civil Power, or to Sit as Judges in any Court, much
“ less in the Court of Parliament where they pass Censure, and Judg-
“ ment not only of our Lives and Liberties, but on the Estates, and In-
“ heritance, and Blood as of us, so of our posterity : And as this is un-
“ lawful by the Divine Law, so by the Canons of the Church ; yea of
“ this Church, and Acts of Parliament of this Realm (whereof I shall
“ further enlarge my self in my ensuing discourse :) so hath their
“ Sitting there been prejudicial and obnoxious to Kings, and Subjects.
“ Now I desire briefly to declare when and how the Bishops came to be
“ Members in the Parliaments in the House of the Lords, and by what
“ means they continued their Sitting there ; because prescription is much
“ insisted upon ; Although long usage (as King *James* truly delivereth)
“ confirmeth no Right, (if unlawful originally, or at convenient
“ times interrupted.) And whereas it hath been demanded why the
“ first of our Reasons, viz. That it hindereth Ecclesiastical Vocation,
“ was not urged 600 years ago. I answer, there was then no cause ;
“ for the first beginning of Parliaments was not 74 years after. But if
“ this had been delivered of the lawfulness and conveniency of their
“ intermeddling in Temporal Affairs, I should have replied, that it hath
“ been declared not only 600, but 1600 years ago, and in each Centu-
“ ry since. But supposing and granting that it was meant of such Par-
“ liaments as were before the Conquest, you shall find that above
“ Six Hundred years ago the Prelates are charged (by their intermed-
“ ling in secular Affairs) to neglect the Office of Episcopal Function.
“ For this we read, the Clergy were altogether unlearned, wanton, and
“ vitious ; for the Prelates altogether neglected the Office of Episcopal
“ Function, which was to tender the Affairs of the Church, and to feed
“ the Flock of Christ ; lived themselves Idle, and Covetous, addicted
“ wholly to the Pomp of the World, and voluptuous Life, little ca-
“ ring for the Churches and Souls committed to their charge.

“ And if any (saith *Higden*) told them that their lives ought to be
“ holy, and their conversation without covetousness, according to the
“ sacred Prescript, and virtuous example of their Elders, they would
“ scoffingly put them off with a

Nunc aliud tempus, alii pro tempore mores.

“ Thus (saith he) they plained the roughness of their doings with
“ the smoothness of their Answers. Briefly, they were so loose and rio-
“ tous (saith *Gervasius* of *Canterbury*) they fell so fast to commit
“ wickedness, as to be ignorant of sinful Crimes, was then held to be a
“ great Crime it self.

“ And the Clergy (saith *Malmesbury*) contenting themselves with
“ trivial Literature, could scarcely hack and hew out the words of the Sa-
“ crament. *Robert* was then Archbishop of *Canterbury*, who instigated
“ King *Edward* the Confessor against his Mother Queen *Emma*, charg-
“ ing her with incontinency with *Alwyn* Bishop of *Winchester* (observe
“ how one Locust stings another,) which she washt away, and cleared her
“ self of, by a sharp Tryal of Fire, *Candentis Ferri*, being (put accord-
“ ing to the Law *Ordalium*) to clear her self, by passing Nine Plough-
“ shares, glowing red hot, bare-footed and blind-folded, which she did
“ without hurt. And as this Bishop had charged the Queen his Mother
“ with incontinence, so did he likewise the Queen his Wife *Edith* or
“ *Egith*

" *Egith* with Adultery ; but no less untruly and unjustly, then maliciously
 " and enviously, as saith *Malmesbury*, she being a Lady incomparable,
 " as for Beauty, so for Virtue, in whose Breast there was a School of
 " all Liberal Sciences. And the like testifies *Ingulphus*, that had often
 " Conference with her, that as she was Beautiful, and excellent well
 " Learned, so in her demeanor, and whole course of Life, a Virgin most
 " Chast, humble, and unfeignedly holy, mild, modest, faithful, and in-
 " nocent, not ever hurtful to any. And do we not read that about the
 " Year 1040, that Bishop *Alfred* had his Hand deep in the Murder of
 " Prince *Alfred*, who, having his Eyes inhumanely put out, lived not
 " long after, in torment and grief: Some say he died by a more horrible
 " Kind of Cruelty, as his Belly was opened, and one end of his Bowels
 " fastned to a Stake, his Body pricked with sharp Ponyards, till all his
 " Entrails were extracted, in which most Savage Torture he ended his
 " innocent Life. These Bishops little regarded Ecclesiastical Vocation,
 " or Function, but Worldly Pomp and Courtly Rule. They cannot be
 " at Assemblies of States, and Parliaments, but their neglected Flock
 " must be starved ; These feed not their hungry Sheep, but hunger to
 " feed on them ; and this Care of the World volves them in a world of
 " Cares. What hath been spoken of those Bishops, I wish had not been
 " delivered of other Latter Prelats, wherein I crave Leave to speak what
 " others write. That they are grown to that Height of Idleness, (the
 " Mother of Ignorance, and Luxury within themselves,) and by rea-
 " son thereof, in contempt and base estimation with the People, that it
 " is thought high time that blood should be drawn from their swelling
 " Veins: I will not (though perhaps I might) say with them, that
 " the Commonwealth hath little use of such (I mean of our Lordly Bi-
 " shops) but for that they are so far degenerated from the Primitive insti-
 " tution, I wish there were reformation ; I speak not of demolishing, but
 " of Amendment, and Restitution, and until it appear that the whole is
 " unsound, I shall not assent to utter extirpation, or eradication. Thus
 " much I have made bold to deliver, though not in due place, nor in
 " any purpose to plead against those, or any of them, that have decla-
 " red themselves to be of contrary Opinion: I am not ignorant of my
 " disability to enter the Lists with any, or to contend with such Wor-
 " thies in this or other Argument: but I hope there will not be denyed
 " to me Leave, and Liberty to declare the Cause and Reason of my Vote
 " in this House, in which I have the honour to sit as a Member: And if
 " I have erred, I have been mis-led not only by Learned Fathers, and
 " Divines, by Synods, and General Councils, but by great Lords, and
 " Barons, yea by the whole Peerage of these Kingdoms of *England*, and
 " *France*: *Peter* Lord *Primandy*, and *Barree*, who writ the *French* Aca-
 " demy, and dedicated the same to *Henry* the Third King of *France*; and
 " *Poland*, in that Book, and Chapter of the Causes that bred Change,
 " saith, *That Bishops and Prelates neglecting their Charge to bestow their*
 " *times in worldly Affairs, grew to Misliking, and Contempt, have procured*
 " *great Offences, and marvellous Trouble, which may more easily be lament-*
 " *ed then taken away, or reformed, being such Abuses as have taken deep*
 " *Root.* And what he affirmeth did the Peers of *France* unitely deliver,
 " *That Bishops should follow St. Peter's steps, to win Souls, and not to med-*
 " *dle with Wars and Murder of Mens Bodies.*

" But to come neer, and to speak of *England*, Let us hear what the
 " *English* Lords did declare ; We read that they did Decree in the time,
 " and

May,
1641.

will. Caxton.

May,
1641.

“ and Reign of King John, That Bishops should not intermeddle in Civil
 “ Affairs, or Rule as Princes over their Vassals, and the reason is ren-
 “ dred; for Peter (say they) received no power but only in matters per-
 “ taining to the Church: and further enlarging themselves, use these
 “ words: It appertains not to Bishops to deal in Secular Affairs, since
 “ Peter only received of our Saviour a power in matters Ecclesiastical:
 “ what (say they) hath the Prelates to intermeddle with Wars?
 “ such are Constantine’s Successors, not Peter’s, whom as they represent
 “ not in good Actions, so neither do they in Authority: fie on such
 “ Rascal Ribaulds; the words in Paris, are *Marcidi Ribaldi*; how un-
 “ like are they to Peter that usurp Peter’s place? But this point of in-
 “ termeddling in Secular Affairs (though I have often digressed) and in-
 “ termingled with the former parts, is proved in its proper place to be
 “ unlawful (*viz.*) in that part that treateth thereof. Craving pardon
 “ for this Deviation, I will pursue the present Argument (the obnoxious-
 “ ness of their Sitting in Parliament,) and to come to the points I intend-
 “ ed to insist on (*viz.*) The entrance of Bishops into the Parliament
 “ House, and by what means they came there and continued. That they
 “ have sate there from the first Parliament to this is not denied: But as
 “ we are not now to consider *an fuerunt* but *an profuerunt*, so are we not
 “ to debate and discuss *an factum* but *an fieri debuit*; for it was the Argu-
 “ ment of a Pagan (*viz.*) *Symmachus* to the Emperor *Theodosius* recorded
 “ by St. Ambrose, *servanda est tot sæculis fides nostra, & sequendi sunt Ma-*
 “ *jores nostri qui secuti sunt faeliciter suos.* Our Religion, which hath
 “ continued so many years is still to be retained, and our Ancestors are
 “ to be followed by us, who happily traced the steps of their Fore-fathers;
 “ but (with *Tertullian*) *nullam velo consuetudinem defendas*, if good,
 “ no matter how short, since, if bad, the longer the worse; Antiquity
 “ without truth (as saith *Cyprian*) is but ancient Error. The first Par-
 “ liament (as I read) began 1116 or thereabouts, and in the Sixteenth
 “ or Seventeenth year of King Henry the First, who being an Usurper,
 “ brought in by the Bishops to the disherison of Robert his elder Brother,
 “ admitted the said Bishops to be Members of the said High Court, part-
 “ ly in gratefulness, but rather for that he durst not do otherwise: for was
 “ not Ralph the then Archbishop of Canterbury so proud and insolent a
 “ Prelate, that we read of him, that when Roger Bishop of Salisbury
 “ was to Celebrate the Kings Coronation, by reason of the Palsie of the
 “ Archbishop, this cholerick outdaring Prelate could hardly be intreated
 “ by the Lords, to with-hold his hands from striking the Crown from
 “ the Kings Head? of such Spirits were those spiritual Prelates, and the
 “ Jealousie to lose their pompous preheminance of Honours; yet had he
 “ no other reason for this his sauciness, and bold Attempt, but for that
 “ Roger did not this by his appointment. At the same time *Thurstan* was
 “ Archbishop of York, who though a disloyal, and perjured Man by
 “ breach of his Oath to the King, yet was he highly favoured, and
 “ countenanced by the Pope, and put into that See by him, in despite
 “ of the said King. And as he, so the rest of the Bishops (not less
 “ guilty, nor much less potent) were likewise admitted Members of
 “ that high Court; and to speak plainly, how could he spare their be-
 “ ing in that House, who were to justify his Title to the Crown?

Eadmerus.

Math. Paris
Anno 1119.

Polichron. l. 7.
c. 18.

King Stephen.

“ Now pass we to King Stephen, another Usurper, Nephew to the
 “ former King Henry, him (though he had an Elder Brother and be-
 “ fore them both the Title of Anjou by his Wife Maud the Empress, as
 “ also

also of his Son *Henry* to precede) the Bishops did advance to the Royal Throne, no less perfidiously then trayterously, having formerly sworn to *Maud* the Empress. We are also to understand, that the Bishop of *Winchester* was his Brother, a very Potent Man in the State; And it is worthy our Noting, that the Bishops did endeavour to salve their Disloyalty, and Perjury, by bringing in the Sallick Law to this Kingdom, Trayterously avowing, that it was baseness for so many, and so great Peers to be subject to a woman: Nay, it seemeth the Bishops did not intend to be true Subjects to him, though a brave and worthy Prince, (had his Title to the Crown been as good as the Prelates at his Election did declare:) for read we not that the Bishops of *Salisbury*, *Lincoln*, *Ely*, and others, did fortifie Castles against him, and advanced to him in Armed, and Warlike manner? Nay, did not his Brother the Bishop of *Winchester* forsake him, and in a Synod of Clergy accursed all those that withstood the Empress *Maud*, blessing all that assisted her? Surely this Curse ought to have fallen on himself, and the Archbishop, who did trouble the Realm with Fire and Sword. Sure as these were too great to be put out of Parliament, so were they very dangerous therein. Unto *Stephen* succeeded *Henry* the Second. In this time *Thomas Becket* was Archbishop of *Canterbury*; what his demeanor towards his Sovereign was, and what Mischief was by him occasioned to the Kingdom, would take too much time to declare; though some Papiests that adore him for a Saint, will say, he resisted on just Cause, yet I will deliver what I read, and render him with the Chronicles, an Arch-Traytor, and tell you that the Doctors in *Paris* did Debate, whether he were damned for his disloyalty, *Rogerus* the *Norman* avowing, that he deserved death, and damnation for his Contumacy toward the King, the Minister of God. From him I pass to his Son *Richard* the First, who had two Brothers, that were Bishops, the one of *Duresme*, the other of *Lincoln*, and after Archbishop of *Tork*, and going to the Holy Land, appointed for Governour of the Kingdom, *William Longchamp* Chief Justiciar, and Lord Chancellor of *England*, and Papal Legate.

This Vice-Roy, or rather King (for so *Paris* calls him) *Rex & Sacerdos*, had joyned with him *Hugh* Bishop of *Duresme*, for the Parts beyond *Humber*. This Kingly Bishop (as Authors deliver) did use incredible Insolence, and intolerable Tyranny, and commit a most Sacrilegious, and Barbarous Out-rage upon the Person of *Jeffery* Archbishop of *Tork*, and natural Brother to King *Richard* the First; for which afterwards (being taken in a *Curtessans* Apparel and Attire *velut delicata muliercula*) he was banished the Realm. Now as it was very difficult to turn such Papal Bishops, and Regulo's out of Parliament: so certainly such Lord Bishops did work there no little Mischief to Regal Power, the Subjects Liberties, and the Weal publique. Certainly this was not the Duty and Office of a Bishop; surely the Silk, and Scarlet Robes of Princes and Justiciars, were as undecent for these Bishops, as was the Coat of Iron of the Bishop of *Beauvois*, taken Prisoner by this King, which he sent to the Pope, with a *Vide an tunica filii tui sit, an non*: to which he made Answer, That he was not his Son nor the Son of the Church. For he had put off the peaceable Prelate and put on the Warlike Souldier, took a Shield instead of a Cope, a Sword for a Stole, a Curace for an Albe, a Helmet for a Mitre, a Lance for a Bishops Staff, perverting the Order,

and

May,
1641.
Matth. Paris.

H. Huntington.

Wendover.

Paris. Malmis-
bury.

Caesaris dial.
lib. 8. c. 69.

Bale Brit.
Cent. 2.

R. 1.

Fox p. 289.

Paris, Hovedon,
& alii. Guil.
Nub. lib. 4.
c. 14. Hovedon
Nub. l. 4.
c. 17. Hovedon
P. 399.

Matth. Paris.
Hollin. in
R. 1.

May,

1641.



“and Course of things. Thus we see, that a Bishop must destroy
 “Mens Lives, either as a Justiciar in Court, or as a Souldier in Camp.
 “*Qui si non aliquem nocuisset mortuus est*, they would do any thing but
 “what they ought to do (Feed the Flock;) they desire rather to Sit in
 “Parliament, then stand in a Pulpit, accounting Preaching (according to
 “Bishop *Juell*) so far below their greatness, as indeed it is above their
 “goodness. We neither deny or reject Episcopacy, or Church Govern-
 “ment it self, but the Corruptions thereof; and we say, that the Bishops,
 “who stiffly maintained those Corruptions, have inforced this our di-
 “staste.

“When *Jacob* was forced to depart from *Laban* for ill usage, I con-
 “ceive that the breach was in *Laban*, not in *Jacob*.

“So also those that did forsake *Babylon* (God commanding to depart
 “from it) lest they should be partakers of their punishment, as they were
 “guilty of their Crimes, did not occasion the schism or breach, but the
 “sins of *Babylon*: And we confess, that true it is, that we refuse, and
 “forsake the present Church Government, but no further then it hath
 “forsaken Pure, and Primitive Institution, therefore let none say that
 “we are desirous of Innovation: for, I think, we may boldly with the
 “forenamed Reverend Bishop *Juell*, affirm, *Nos non sumus novatores*.

King John.

* Observe this,
 That even in
 this Mans opi-
 nion England is
 no Elective
 Monarchy.
Matth. Paris
Hist. Major.

“From King *Richard* the First I come to King *John*, an Usurper like-
 “wise, who was advanced to the Regal Throne by Archbishop *Hubert*,
 “and the Prelates. * This lewd Bishop unjustly declaring this and all
 “other Kingdomes to be Elective, and that no man hath Right, or fore-
 “Title to succeed another in a Kingdom, but must be by the Body of
 “the Kingdom thereunto Chosen, with Invocation of Grace, and Gui-
 “dance of Gods Holy Spirit; alledging further, and that (most plainly)
 “by example of *David* and *Saul*, That whosoever in a Kingdom Excelled
 “all in Valour and Virtue, ought to surmount all in Rule and Authority;
 “and therefore they had all unanimously Elected *John*, (first imploring
 “the Holy Ghosts Assistance) as well in regard of his merits, as Royal
 “Blood. And thus the Bishops blanch their disloyal assertion with Sa-
 “cred Writ, and their Lewd devised Plot with the Holy Ghosts Assi-
 “stance. Hereby they rejected the just Title, and Hereditary Succession
 “of *Arthur* his Elder Brother’s Son. And as he did this disherison un-
 “justly and disloyally, so did he this Election lewdly and fraudulently, as
 “himself after confessed, when being demanded the Reason of his so
 “doing, he replied, *That as John by Election got the Crown, so by Ejection*
 “*upon demerit, he might lose the same*; which after he did endeavour to
 “his utmost, and at last effected by depriving him of Life, and King-
 “dome.

Matth. Paris.
R. Hovedon
Girald. Cam.
 who called
 him *Principis*
frenum.

“Let me not be misconceived, I know *Hubert* died 8, or 10 years
 “before him, but what he did begin, and forward, was furthered and
 “pursued by *Stephen Langton* and other Bishops and Prelates, too
 “long to rehearse. His other Brother being Archbishop of *York*, a
 “strange Example, saith *Malmsbury* to have a King ruled by two Bre-
 “thren of so turbulent humours. Many of their Treasonable Acts,
 “and Disloyalties, I will omit, and passing by as well particular Bishops
 “and Prelates, as *Stephen* Arch-Deacon of *Norwich*, and others, as also
 “of them in general, I will only relate one villanous passage of Trayte-
 “rous Disloyalty; whereof (as good Authors deliver) the Archbishops,
 “and Prelates were principal Abettors, and Conspirers.

“The

"The King being at *Oxford*, the Bishops and Barons came thither with armed Multitudes without number, and forced him to yield, that the Government should be swayed by 25 Selected Peers.

"Thus one of the greatest Sovereigns was but the Six and twentieth petty King in his own Dominions, &c. To him Succeeded his Son *K. H. 3.* who being at *Clerkenwel*, in the House of the Prior of *Saint John's*, was told by him no less sawcily than disloyally (if I may not say traiterously) That he should be no longer King, than he did Right to the Prelates. Whereto he answered, *What? do you mean to deprive me of my Kingdom, and afterward Murther me, as you did my Father?* And indeed they performed little less, as shall hereafter appear. But now to take the particular passages in order.

"In this King's Reign, *Stephen* then Archbishop of *Canterbury*, as we read, was the Ring-Leader of Disorders both in Church, and State; and no better was *Peter* Bishop of *Winchester*; But not to speak of them in particular, but of them all in general; and that in Parliament at *Oxford*, saith *Matth. Paris*, and *Matth. Westm.* came the Seditious Earls, and Barons, with whom the Bishops *Pontifices* (*ne dicam Pharisæi*, those were his words) had taken Counsel against the King, the Lord's Anointed, who sternly propounded to the King fundry traiterous Articles, to which they required his Assent; but not to reckon all the Points, you shall hear what the same Authors deliver of their Intent, I will repeat the words as I find them. *These turbulent Nobles*, saith *M. West.* had yet a further Plot than all this, which was first hatched by the Disloyal Bishops, which was, That four and twenty Persons should there be Chosen to have the whole Administration of the King and State, and yearly appointment of all great Officers, reserving only to the King the highest Place at Meetings. *Primus Accubitus* in *Coenis*, and Salutations of Honour in Publick Places. To which they forced him and his Son Prince *Edward* to Swear for fear (as mine Author saith) of Perpetual Imprisonment, if not worse: for the Traiterous Lords had by an Edict threatned Death to all that resisted. And the Perfidious, and wicked Archbishop and Bishops, Cursing all that should rebel against it: Which impudent and Traiterous Disloyalty (saith *Matth. Paris*, and *Matth. Westm.*) the Monks did detest, asking, *With what fore-heads the Priests durst thus impair the Kingly Majesty, expressly against their sworn Fidelity to him.* Here we see the Monks more Loyal, and Honest than the Lord Bishops: we have Cashiered the poor Monks, and are we afraid of the Bishops Lordliness, that they must continue, and sit in Parliament, to the Prejudice of the King, and People? And so we may observe, That this * Traiterous Bishop did make this King as the former had done his Father, meerly Titular.

"From him I pass to his Son, *Edward* the First: In his Reign *Boniface* was Archbishop of *Canterbury*, and Brother to the Queen, what he, and the rest of the Prelates did in prejudice to the Regal Authority and Weal Publick, I will pass over, the rather for that they declare themselves in his Son's Reign so wicked and disloyal, that no Age can Parallel, of which thus in brief; Doth not *Thomas de la More* call the Bishop of *Hereford* Arch-Plotter of Treason, *Omnis mali Architectum*, and not to speak of his contriving the Death of the late Chancellor, and other particular Villanies, he is Branded together with *Winchester* then Chancellor, and *Norwich* Lord Treasurer, to occasion

May.
1641.
Paris.

* This which he accounts Treason in the Bishops was no more than this Man and his fellow-Members would have imposed upon the King in the 19 Propositions.

May.

1641.

“ the dethroning of this Prince : Nay, after long Imprisonment, his very Life taken away by Bishop *Thorlton's* Ænigmatical Verse (though he after denied it) *Edwardum Occidere nolite timere bonum est.* But this *Adam de Orleton*, aliàs *Torleton*, and his fellow Bishops in this King's Reign, I may not slightly pass over ; Therefore I desire we may take a further view of them. First, of this *Adam* Bishop of *Hereford*, we find that he was stript of all his Temporalties, for supporting the *Mortimers* in the Barons Quarrel. He being (saith *Thomas de la More*) a Man of most subtil Wit, and in all wordly Policies profound, daring to do great Things, and Factious withal, who made against King *Edward* the Second a great secret Party. To which *Henry Burwash* Bishop of *Lincoln* (for like Causes deprived of his Temporalties) joyned himself, as also *Ely*, and others ; *Walter Stapleton*, Bishop of *Exeter*, a Turn-Coat, left the Queen, and came to *England* to inform the King of his Queens too great familiarity with *Mortimer*, which afterward cost him his Head. Perhaps some now (as *Thomas de la More*) will say, he was therein a good Man ; yet I will take leave to think, nor do I fear to speak it, This was no part of Episcopal Function. But I will pass him by, not concluding him either good or bad, every Man may think as he pleaseth, I will declare the Traiterous and Disloyal Actions of the other Bishop formerly mentioned. This Bishop of *Hereford*, whom I find called the Queens bosom Councillor, Preaching at *Oxford*, took for the Text, *My Head, my Head aketh*, 2 Kings 4.19. concluding more like a Butcher than a Divine, that an Aking and Sick Head of a Kingdom, was of necessity to be taken off, and not to be tampered with, by any other Physick ; whereby it is probable, that he was the Author of that Ænigmatical Verse formerly recited, *Edwardum occidere, &c.* And well may we believe it : for we find that he caused *Roger Baldock* Bishop of *Norwich*, the late Lord Chancellor, to die miserably in *Newgate*. Not much better were *Ely*, *Lincoln*, *Winchester*, and other Bishops, that adhered to the Queen, *Mortimer*, and others of her part. Nor can I commend those Bishops that were for the King, and the *Spencers*. The Archbishop of *Canterbury*, and his Suffragans, decreeing the Revocation of those Pestilent Peers, the Judgment given against them judged as Erronious. Thus these Lord Bishops, as all in a manner, both before, and after, instead of Feeding the Flock of Christ only, Plotted dismal Wars, Death, and Destruction of Christians. I might tell you how in this King's Reign, as in others, * they perswaded the Lords, and Peers of the Realm, that they had Power and Right not only to reform the King's House, and Council, and to place, and displace all great Officers at their Pleasure, but even a joynt Interest in the Regiment of the Kingdom together with the King. And now will any say, *No Bishop, No King* : yet one word more before I part with these Bishops : what Ground-work they laid, and what means they used for the Ruine of King and Kingdom, was it not their working upon the Impotence of a Womans will, insinuating what indignity it was, that a She-Daughter of *France*, being promised to be a Queen, was become no better than a waiting-woman, living upon a Pension ; and so nourishing in her great Discontents, perswaded her going to *France*, which was the Matter and Embrion, and as I may say, the chief Cause of Common Destruction, which after ensued. God keep all good Princes from heark'ning or consenting to the pernicious Counsels of such pestilent Priests, and

prating

*Certainly this was made a President, for such were the Pretences and Practises of this Man and his Associates.

“prating Parasites. To declare all their Disloyalties in Parliament, and
 “out, would fill a large Volume. But now *Brevis esse laboro*, therefore
 “I only say, That as it was not for their Goodness, but Greatness, that
 “they sate in Parliament, so their sitting there did (I think I may say)
 “almost evert Monarchy, yea, Regality: with what face can they incul-
 “cate that Asperion, *No Bishop, no King*? Certainly by what I have alrea-
 “dy delivered, and shall now declare in the Reigns of Succeeding Prin-
 “ces, it will appear quite contrary, that where Lordly Bishops domi-
 “neer and bear Rule, and Sway, neither Kings, nor Kingdoms, them-
 “selves, or Subjects are secure.

“Now to the Reign of King *Edward* the Third, did not *John* Arch-
 “bishop of *Canterbury* perswade and incite this King, and the Parliament,
 “to a most dangerous War with *France*; whereby the Death of Mil-
 “lions hath been occasioned. To such Mischief do they use their Learn-
 “ing, and Eloquent Orations in Parliament. What *Epiphanius* delivered
 “of Philosophers, that they were *In Re stultâ Sapientes*, so may we say
 “of such Bishops, that they are *In malo publico facundi*. But to pass by
 “particular Men, and Actions, I shall only deliver unto you some No-
 “table Passages in Parliament, *Anno* 1371. The Parliament did Petition
 “the King to have them deprived of all Lay-Offices and Government,
 “they being commonly the Plotters, and Contrivers of all Treasons,
 “Conspiracies, and Rebellions, the very Incendiaries, Pests, and Grie-
 “vances both of the Church and State, the chiefest Instruments to ad-
 “vance the Peoples usurped Authority, though with Prejudice of the
 “Kings (which they never cordially affected) and the Arch-Enemies of
 “the Common-wealth, through their private Oppression, Covetousness,
 “Rebellion, and Tyranny, when they have been in Office, as may ap-
 “pear by *Antiquitates Ecclesiæ Britannicæ*, in the Lives of *Anselm*, *Bec-*
 “*ket*, *Arundel*, &c. Here we see, that they never affected the Autho-
 “rity of Kings, but rather were Scourges to their Sides, and Thorns in
 “their Eyes.

“Now we come to *R. 2.* his Grandchild, who Succeeded him: we
 “read that when in Parliament in *London*, the Layety had granted a
 “Fifteenth on Condition, that the Clergy would likewise give a Tenth
 “and Half; *William le Courtney* then Archbishop, did stiffly oppose it,
 “alleging, they ought to be free, nor in any wise to be taxed by the
 “Layety; which Answer so offended the Lords, and Commons, that
 “with extream fury they besought the King to deprive them of their
 “Temporalties, alleging, That it was an Alms-Deed, and an Act of
 “Charity, thereby to humble them; that was then delivered for an
 “Alms-Deed, and an Act of Charity, which is now accounted Sacri-
 “lege and Cruelty.

“The next that Succeeded him, was *H. 4.* but an Usurper also; for
 “at that time there were living of the House of *Tork*, whose Right by
 “the Title of *Clarence* was before his, as *Mortimer*, &c. In opposition to
 “his Claim and Right, the Bishop of *Carlisle* made a most Eloquent Ora-
 “tion; but to what purpose? to perswade his dethroning now vested
 “in the Regal Government; and thereby to ingage the Kingdom in a
 “Civil War, (which when his Oratory could not effect) he laboured,
 “and so far prevailed, that by his subtil insinuations, and perswasions,
 “many Princes of the Blood Royal, and other great Lords were drawn
 “to a Conspiracy, himself laying the Plot, (together with the Abbot of
 “*Westminster*, the Chief Wheels of all the Practice, as moving the rest)

May.

1641

R. 2.

Tho. Wal-
singham.

H. 4.

Hayward.

Joh. Stow ex
Anonymo Hal.
Cron.

May,

I 64 I.

John Stow
Annals.
Hall ex wal-
singh.

“ for the King’s Death, whereby he brought to the Block those Noble
“ Peers, and as his Pestilent Council had infected their Minds, so was
“ the Blood of them, and theirs, tainted by this foul Treason ; but as
“ I discommend his disloyal Actions, so I no better approve the other
“ flattering, and Time-serving Bishops, who did Plead the Right of the
“ Title of the said King more Eloquently than Honestly, more Rhetor-
“ ically than Divinely ; for which their Expressions they were employed
“ as Ambassadors to Foreign Parts to declare and justifie his Title, and
“ Right to the Scepter ; the Bishop of *Hereford* to *Rome*, the Bishop
“ of *Durham* to *France*, the Bishop of *Bangor* to *Germany*, and the Bishop
“ of *St. Asaph* to *Spain* ; which Bishop of *Asaph* sate as Judge in that
“ Parliament, and pronounced the Sentence of Deposition against King
“ *Richard*. The Form (as near as I remember) was : *We John Bishop*
“ *of St. Asaph, John Abbot of Glastenbury, Commissioners, named by*
“ *the House of Parliament, Sitting in Place of Judgment, &c.* Here
“ you may note that the Bishop did pass Judgment of a great Inheri-
“ tance, no less than Two or Three Kingdoms, and though not between
“ two Brothers, but Cozins, yet did adjudge most wrongfully as was
“ most apparent. I note withal, That the Title of Lord is not assumed
“ by this King-deposing Bishop, nor any other that I read of. Now what
“ he had judged in Parliament his Holy Brother of *Canterbury* must
“ make good in Pulpit, delivering, what unhappiness it was to a King-
“ dom to have it governed by such a Man. Certainly a most dangerous
“ Position to an Hereditary Monarchy. I also note, that this Arch-
“ Bishop was Brother, to the Earl of *Arundel*, and at the same time the
“ Arch-Bishop of *York*, a near Kinsman to the Earl of *Wiltshire* ; and
“ who durst then plead against the Right of the Bishops Sitting in
“ Parliament ?

“ In the same King’s Reign *Richard le Scroop* the Arch-Bishop of *York*,
“ did in Parliament enter into Conspiracy with *Thomas Mowbray* Earl
“ Marshal, against the said King, for which they were both beheaded.

“ And now in the said King’s Reign, in the Parliament of *Coventry*, let
“ me also tell you, That in the said Parliament, as in other both before
“ and after, a Bill was exhibited against the Temporalties of the Clergy,
“ who called that Parliament *Parliamentum Indocorum*, saying, *That*
“ *the Commons were fit to enter Common with their Cattle, having no*
“ *more Reason then brut Beasts.* This is *Speed’s* delivery ; but I take it
“ that he repeateth it as the Prelates Censure of the House of Com-
“ mons.

H. 5.

Hall in 3 R. 2.

“ But to him succeeded *Henry* the Fifth, in his time did not *Henry*
“ *Chicheley* in an Eloquent Oration in Parliament revive the Wars with
“ *France*, by declaring the King’s Right thereunto, to the effusion of
“ much Christian Blood, and to the loss of all we had there ? To expiate
“ which, he built a Colledg in *Oxenford*, to pray for the Souls Slain in
“ *France*. Though what he did then deliver, was true of the King’s Right
“ of *France*, (as was also the other of *John* Arch-Bishop of the same See
“ in *Edw.* the Third’s time ; and no less true was that of *Carlisle* against
“ *H. 4th’s* Title :) Yet I may say, it was not the Office, or Function of
“ a Bishop to incense Wars Domestique, or Foreign. Nay this Bishop did
“ set this War on foot to divert the King from Reformation of the Clergy.
“ For in that Parliament held at *Leicester*, there was a Petition declaring
“ that the Temporal Lands which were bestowed on the Church, were
“ superfluously and disorderly spent upon Hounds, and Hawks, Horses,
“ and

"and Whores, which better imployed, would suffice for the maintenance
"of 15 Earls, 1500 Knights, 6200 Esquires, an hundred Alms-houses;
"and besides of Yearly Rent to the Crown 20000 pounds.

"From him I come to his Son *Henry* the Sixth: I read many Accusa-
"tions that *Glocester*, the good Protector, did lay to the Charge of *Beau-*
"fort the Cardinal of *Winchester*, and Lord Chancellor, Great Uncle to
"the King Living, Son to *John* of *Ghent*, alledging him a Person very
"dangerous both to the King, and State; his Brother of *Tork* a Cardinal
"also, together with other Bishops no better. For we read of Arch-
"Bishop *Bourchier*, and other Bishops, that they did shamefully coun-
"tenance the distraction of the time. These, as I delivered before, though
"bad in Parliaments, yet too great to put out; I will not now speak of
"many other Particulars, that I might either in this King's Reign, or his
"Successors to King *Henry* the Eighth, for that I desire to declare what
"they did since the Reformation; yet therein will be as brief as I may,
"having already too much provoked your Patience, for which I crave
"humble Pardon.

"To *Henry* the Sixth succeeded *Edward* the Fourth, who indeed had
"the better Title to the Crown; notwithstanding Arch-Bishop *Nevil*,
"Brother to the King, *Maho*, *Warwick* with others, did Conspire and
"attempt his Dethroning, and after took him Prisoner, and kept him in
"his Castle of *Middleham*; and after in Parliament at *Westminster*, did
"they not declare him a Traytor, and Usurper, confiscate his Goods, re-
"voke, abrogate, and make frustrate all Statutes made by him, and in-
"tayl the Crown of *England* and *France* upon *Henry* and his Issue-Male;
"in default thereof to *Clarence*, and so disabling King *Edward* his Elder
"Brother?

"But to hasten, I will pass over *Edw.* the Fifth, whose Crown by
"means of the Prelates as well as the Duke of *Buckingham*, was placed
"on the head of his Murtherous Uncle that Cruel Tyrant; for had not
"the Cardinal Arch-Bishop by his perswasion with his Mother, taken
"the Brother *Richard* Duke of *Tork* out of Sanctuary, the Crown had
"not been placed on his Uncle's Head, nor they lost their Lives; and
"not to speak of Doctor *Pinker*, and Doctor *Shaw's* Sermons, and other
"foul passages of Prelates, (as *Morton*, and others) who sought also the
"destruction of King *Richard*, and that when his Nephews were dead,
"and none had Right before him to the Crown, which he then wore;
"what disloyal long Speeches made he to the Duke of *Buckingham*, to per-
"swade the said Duke to take the Crown to himself?

"From *Richard* I pass to *Henry* the Seventh: I told you before, that
"Morton would have perswaded *Buckingham* to dethrone King *Richard*
"the Third, and take the Kingdom to himself, to which he had no Right:
"and failing therein, he addressed himself to *Henry* then Earl of *Rich-*
"mond; and as by his Counsel he prevailed with him, so he prevailed
"against, and won from *Richard* the Garland: This perswader and fur-
"therer of bad Titles was advanced to the See of *Canterbury*, his desire
"whereof perhaps caused his disloyalty, and being in high favour with
"this Prince, by his special Recommendations procured one *Hadrian de*
"Castello an *Italian*, to be made first Bishop of *Hereford*, after of *Bath*
"and *Wells*, who also was made Cardinal, by that Antichristian, and
"devilish Pope *Albert* the Sixth, and as *Moreton* had endeavoured the
"dethroning of his Lord and King, so did the other Conspire the Mur-
"ther of Pope *Leo* the Tenth, when he was told by a Witch, That one
"named *Hadrian* should succeed him. "As

May,

1641.

H. 6.

Fox Mart. in
H. 6.

E. 4.

E. 5.

R. 3.

H. 7.

Goodw. Catal.
of Bishops in
Bath, &c. pag.
329.
Paulus Jovius.

May.

1641.

Spede.

Barns Supplic.
& alii.

H. 8. 31.

H. 8. 37.

Henry 8.25.

“ As to *Henry* the Eighth, I need not speak much of his Opinion of
 “ Bishops, who he saith, were but half Subjects, if Subjects at all to him,
 “ when he caused Sir *Thomas Audeley*, Speaker, to Read the Oath of
 “ Bishops in Parliament. And that it was so, appeared when *Wolfey*,
 “ and *Campeius* refused to give Judgment for the Unlawfulness of the
 “ Marriage of *H. 8.* and thereupon a Divorce : whereupon the
 “ Duke of *Suffolk* said, and that truly, *It was never merry in England*
 “ *since Cardinal Bishops came amongst us.* It were too large to repeat
 “ all the Petitions, and Supplications, and Complaints of Divines against
 “ them in this King's Reign, as of Doctor *Barnes*, *Latimer*, *Tindall*,
 “ *Beane*, and others. This last named saith, That the Bishops alone
 “ have the Keys of the *English* Kingdom hanging at their Girdles ; and
 “ what they traiterously Conspire among themselves ; the same is bound,
 “ and loosed in *Star-Chamber*, *Westminster-Hall*, *Privy Council*, and
 “ *Parliament*. This and much more he : But as their sitting there
 “ hath been obnoxious ; so it is useless as may appear by the Statute of
 “ 31 *H. 8.* yet in force, where it is Enacted, That as the then Lord
 “ *Cromwell*, so all other that should thereafter be made Vice-Gerents,
 “ should sit above the Arch-Bishop in Parliament ; Nay, hold general
 “ Visitations in all the Diocesses of the Realm, as well over the Arch-
 “ Bishops, Bishops, Arch-Deacons, as Laity, to enquire and Correct
 “ their Abuses, to prescribe Injunctions, Rules, and Orders for Reform-
 “ ing of Religion, for abolishing Superstition and Idolatry, and Corre-
 “ ction of their Lives and Manners, &c. And read we not that in the
 “ 37 of the King's Reign, Letters Patents were granted to Lay-men, to
 “ exercise all manner of Ecclesiastical Jurisdiction, as the King's Officers,
 “ not the Bishops. Thus we see the Government of Bishops as well as
 “ their Sitting in Parliament, may be spared. And that neither have,
 “ nor heretofore had any Ecclesiastical Jurisdiction in making of Canons,
 “ or Constitutions, but by the King's Writ, nor Promulge or Execute
 “ any such, without the King's Royal Assent and Licence, under Pain,
 “ appears by the Statute of 25th of the same King, upon the Clergies
 “ own submissive Petition : And the Bishops themselves in the Prosecu-
 “ tion of this Act 1603. in the beginning of King *James* his Reign, did
 “ decree the same, and pronounce Excommunication *ipso facto* upon all
 “ or any that should Ordain or Execute the same without Royal Assent.
 “ Now you have seen their Demeanour in Parliament for Three or Four
 “ Hundred years, or thereabouts. The delivery hereof hath taken up
 “ much time, and perhaps thereby most are satisfied, that they have been
 “ hurtful ; and therefore that it is not convenient they should longer
 “ continue Members of that Honorable House, where they have done
 “ such Mischief to King and Common-wealth : yet in regard of my Pro-
 “ mise and Undertaking to declare them Prejudicial from the First Par-
 “ liament to this present, by Testimony of Credible Authors in each
 “ King's Reign, as also to meet with an Objection, which I conceive
 “ will be offered to make all that hath been proved, as Extravagant, so
 “ invalid, That those Actions, Practises, Plots, Conspiracies, or Trea-
 “ sons, were done and perpetrated in time of Popery, and that it was
 “ done by Papal Command, I will deliver their Actions no less detesta-
 “ ble, nay rather more heinous after the Reformation than before.
 “ In the several Reigns of King *Edward* the Sixth, Queen *Mary*, Queen
 “ *Elizabeth*, King *James* of Blessed Memory, and our present Sovereign,
 “ whom God long Preserve. But I desire, I may be rightly understood,
 “ that

May.

“that when I charge these Reverend Bishops, that were very good Men,
“Chief Pillars of the Church, great Lights of Learning, and Charge them
“to have those things as Bishops, which I believe they would not
“have done as Private Ministers; If (I say) I declare that they, to
“hold their Bishopricks, and in expectance of great Preferment, and
“to please great Lords and Princes, Kings and Emperors, have not only
“yielded to, but perswaded to introduce Idolatry, to disinherit the Right
“Heirs of Kingdoms, and force good Princes to do Acts Unnatural and
“Unjust: Let me not be thought to speak in Depravation, or Detra-
“ction, I do not intend their Infamy (and so desire to be understood)
“their Memory ought to be dear to us all, and it ever hath been, and
“is precious in my Esteem; but I thereby insinuate, that Corrupt Lordly
“Episcopacy, hath an Infection in it, tainting the purest, and godliest
“Ministers.

“I pray you misconceive me not, I am not against Episcopacy truly
“understood, or a Church-Government rightly used; but I conceive,
“and therefore (under Correction) say, That it hath (with *Theseus* Ship)
“received so many new Pieces, and Additions to the first Building, that
“it doth justly occasion a Dispute, whether it be the same; little or no-
“thing of the first Substance and Materials remaining: So that we have
“Episcopal Government in Name, but want the Substance; *Vox & præ-
“terea nihil*: with *Ixion* we embrace but a Cloud instead of *Juno*, or (at
“best) but a Blear-eyed *Leah* instead of a Beautiful *Rachel*. This Tree
“(I say) is almost rotten, this Salt somewhat unsavory, this Light very
“dim, this Building scarce sound or sure; which (if propping will help)
“I would not have demolished, till a Model of a better be agreed upon.

“In King *Edward's* Reign did not the Reverend Bishop (O Grief to
“bear! saith my Author) perswade, and subscribe to the disinheriting
“of the two Daughters of *H. 8.* the Sisters of his King, contrary to the
“Statute of 35 *H. 8.* as also in prejudice of the Right of *Scotland*, *Mar-
“garet* being eldest Sister to *Mary*, Grandmother to *Jane*, on whose
“Head they would settle the Crown? which Plot, I think I may say,
“wicked and disloyal if it had taken effect, in all likelihood, the blessed
“Union of both Kingdoms had not ensued; which, as I said before, was
“hindred by *Betton* Bishop of *St. Andrews* in *H. 8th's* time.

“I have not yet spoke any thing as to the Point of Idolatry, the most
“wicked, and highest degree of Treasons, being against the King of
“Kings; did not the Arch-Bishop *Cranmer*, and Bishop *Ridley* perswade,
“nay, earnestly press King *Edw. 6.* that the Lady *Mary* might have Mass
“said in her House, and that to be done without all prejudice of Law?
“the Greatness of her Person, being the immediate Successor, and the
“Might of *Charles* the Emperor moved those Bishops too forward, and
“so far urged this to the King, and from Divines becoming Politicians,
“alleged the Danger in breach of Amity with the Emperor, and when
“he convincing by Scripture, and told them he would rather hazard
“his Life than grant that which was not agreeable to Truth, They al-
“ledge the Bonds of Nature; At last, tell him they would not be said
“nay; This they offered, and thus far they pressed, altho they could
“not prevail with this Pious Prince.

“These were not the Baits that *Peter* angled with to catch Souls, or
“the Weapons that *St. Paul* fought with when he professed they were
“not Carnal, but mighty through God to cast down Holds, they pro-
“pose not Honor and Security to Christ's Disciples, but Hazard, and
“Baseness.

Ed. 6.
Fox Acts, and
Mon.

John Speed.

May.

1641.

Queen Maries
Letter to the
Bishops and L.
from Keningall
9 July 1553.

"Baseness. A most godly Speech of a good Christian Prince, the like
"whereto I read that King *James* uttered in his Protestation made to *Wat-*
"son, as he after confessed to the Earl of *Northampton* upon some occasion
"offered: *All the Crowns, and Kingdoms in this World* (saith he) *shall*
"not induce me to change one jot of my Profession, which is the pasture of
"my Soul, and earnest of my Eternal Inheritance. A Pious Speech of a
"Magnanimous King, whose Memory shall ever be justly Blessed; and
"I doubt not but our Gracious Sovereign, as he holdeth his Kingdoms, so
"possesseth the like Religious Courage, and Constancy.

"But to return to our former Bishops, viz. *Cranmer, Ridley, &c.* did
"they repent them of this upon better Consideration, and upon the
"Death of this good King advance the Title of the Right Heir? Nothing
"so, for when Queen *Mary* hearing that *Jane* her Cousin was to be
"Proclaimed Queen, Writ her Letter to the Lords declaring her own
"Right, and marvelling that they so unjustly attempted to put her from
"it, contrary to their Loyalty, Allegiance and the Statute, which had
"formerly settled the Crown upon her; They (I mean the Bishops as
"well as the Lords, for I find *Canterbury* and *Ely* to have Subscribed)
"told her, That she had no Right thereto but *Jane* must be Queen and
"she must submit her self to her as her Sovereign. And what they Writ
"did *Ridley* Bishop of *London* Preach. And tho this was not done, or
"spoken in Parliament, yet no man doubteth but if it had been effected,
"they would have Pleaded in Justification thereof, and confirmed it as
"Rightful in the next Parliament that should have been Called. Now
"I have declared them disloyal Traitors, and most unjust, and ungodly
"in these Passages.

"To pass from this Queen to the next, I find that in the First year
"of good Queen *Elizabeth*, there was a further Reformation desired;
"and what was then earnestly pressed by good Divines, as Dr. *Scorie*,
"Cox, Mr. *Jewel*, *Grindal*, *Whitehead*, *Horn*, *Gest*, was thus far granted
"by that Godly Princess, that there should be a Conference at *Westmin-*
"ster; where being come, they were opposed by the Bishop of *Winche-*
"ster, *Lincoln*, *Litchfield*, *Carlisle*, and *Chester*, together with some
"others. These Bishops (saith mine Author *Stow*) abruptly broke off
"this Conference, Pleading a mistaking of their Directions: and in the
"next Sitting utterly refused either to Write their own, or to Read the
"others Reasons, whereby all was undone that was intended. whereof
"part was Imprinted by *Richard Fugge*, and *John Cawood*, as is to be
"seen: and this was in time of Parliament. Much more I might declare
"of Bishops Actions in this Queens time. as that the Bishops in Queen
"Elizabeths Inauguration, did refuse to Anoint, or Consecrate her. viz.
"York (*Canterbury* dying a little before;) Also these Chief Bishops denied
"the same, as, *London*, *Duresm*, *Winchester*, *Ely*, *Lincoln*, *Exeter*, *Bath*
"and *Wells*, *Coventry* and *Litchfield*, *Chichester*, and *Peterborough*.

"But I hasten to Conclusion. And as this virtuous Queen did yield
"that a Dispute should be had for Reformation; so did the gracious
"Prince King *James*, grant the like at *Hampton-Court*, where were Do-
"ctor *Reynolds*, and Doctor *Sparkes* of *Oxford*; and *Knewstabs* and *Cha-*
"derton of *Cambridge*. Now who resisted the Reformation? Sure none
"other but the Bishop of *Canterbury*, *Duresme*, *London*, *Winchester*, *Chi-*
"chester, *Worcester*, *Carlisle*, and *St. Davids*; and the Deans of *West-*
"minster, *Windsor*, *Pauls*, *Chester*, *Worcester*, and *Christ-Church*, al-
"ledging, that there was no need of Reformation: But God and good
"Men

Jo. Stow,
Pag. 1084.

May,
1641.

“ Men did know the contrary, but I will not trouble you with their
 “ Actions in this King's Reign, their Introduction of Schisms, Heresies,
 “ and Idolatry, of Popery, and Arminianism, and what not? Of Irre-
 “ ligious to the Deity, Mischief and Danger to the King, and prejudice
 “ to the People and Kingdom, few or none within these Walls but know
 “ them, and felt the harmful fruits thereof. As for their Actions in His
 “ Majesty's Reign, which I think do poise down, and over-balance
 “ all formerly done since beginning of Parliaments, put together in the
 “ other Scale, I will refer them to the Reports of the Committees for
 “ the Pope of *Lambeth*, and his Cardinals *Wren*, and others, and briefly
 “ conclude, That whereas from their first Sitting in Parliament to this
 “ time, they have as well in Parliament as out; been so prejudicial, and
 “ appeared to have during their sitting there, Plotted and Contrived
 “ Treasons, and Conspiracies, Rebellion and War, Domestick and Fo-
 “ reign, been Incendiaries and Grievances to State and Church, and
 “ Arch-Enemies to King, and Common-wealth, introducing Salique Law,
 “ making this Kingdom Elective, and our Princes only Kings *durant. bene*
 “ *gerend.* or rather *bene placit.* in worse Case and less hold than a Duke
 “ of *Venice*. I hope, His Majesty will *Lege Talionis*, make their Episco-
 “ pacy to be only Titular, which is as much as is due to them; whether
 “ Arch-Bishops, or Bishops: for they are to have Priority or Preceden-
 “ cy, *Quoad Ordinem*, not *Quoad Ministerium*, wherein the poorest Cu-
 “ rate is his equal, and his fellow-Minister. And as I am not for equa-
 “ lity, and Parity, so I would not have too great a distance; the Danger
 “ whereof to any Estate, be pleased to hear, as I received it from an
 “ Author formerly mentioned, in these words rendred:

*Too much Increase, and unproportionable Growth, is a Cause that pre-
 cureth the Change, and Ruin of Common-weals. For as the Body is made,
 and compounded of Parts, and ought to grow by Proportion, that it may
 keep a just Measure; so every Common-weal being compounded of Or-
 ders, and Estates as it were of Parts, they must be maintained in Concord
 one with another, as it were with equal and due proportion observed be-
 tween each of them. For if one Estate be advanced too much above ano-
 ther, Dissention ariseth, Equality being the Nursing Mother of Peace,
 and Contrariwise, Inequality the beginning of all Enmity, Factions, Ha-
 tred, and Part-taking. But seeing it is meet that in every well-establish'd
 Policy there should be a difference of Rights, and Privileges betwixt
 every Estate, Equality may continue, if provision be made that one E-
 state grow not too much before the other: But more of this elsewhere in
 its more proper place.*

“ And as for these Reasons, I yielded my Vote for the Unlawfulness
 “ and Inconvenience of their Sitting there: Therefore I wish they may
 “ be no longer Members of that most Honorable House.

“ I humbly crave leave to add a word or two to what I formerly
 “ spoke.

“ I am not ignorant, that the foresaid Assertion, *No Bishop, No King*,
 “ is received as the delivery of King *James*, but tho' it might be admit-
 “ ted in the Sense he meant, and intended, to wit, that those that dis-
 “ like a Church Government, will hardly admit Regal Rule; yet we
 “ can no way allow thereof as it is commonly offered, and pressed,
 “ that the Regal Power cannot subsist without the present Episcopacy.
 “ Now, when that Wise, Learned, and Religious King did conceive
 “ of the Rules and Tenents of Bishops and Prelates, how Consonant to

May,
1641.

“the Majesty of Temporal Princes, or whether he thought them rather to tend to the Trampling thereof under foot, and laying their Honour in the Dust, may appear by his Quotations in the latter end of his Apology for the Oath of Allegiance, which I thought fitter to annex hereunto, than to have delivered them in their proper place, when I spake of Bishops in the Reign of *Ed. 2d.* being then desirous to continue the Historical Narration of their Sitting and Actions in Parliament having too much transgressed by my often enterweaving other passages therewith, I overpassed the same.

King James's Collection out of Cardinal Bishop Bellarmine, are as followeth :

1. De Laicis,
c. 7.

2. De Pont.
Rom. L. 1. c. 7.

3. Ibid.

4. Ibid. & de
Cler. c. 20.

5. De Pontif.
Lib. 3. c. 16.
* Lib. 5. c. 8.

6. De Laicis,
c. 8.

7. De Pontif.
Lib. 5. c. 8.

8. De Pontif.
Lib. 2. c. 26.

9. De Pontif.
Lib. 4. c. 13.

10. De Clericis,
c. 28.

11. Ibidem.

12. Ibidem.

1. *That Kings are rather Slaves than Lords.*

2. *That they are not only Subject to Popes, to Bishops, to Priests; but even to Deacons.*

3. *That an Emperor must content himself to Drink, not only after a Bishop, but after a Bishop's Chaplain.*

4. *That Kings have not their Authority, nor Office immediately from God, nor his Law; but only from the Law of Nations.*

5. *That the Popes have degraded Emperors, but never Emperor degraded the Pope: Nay, even * Bishops that are but the Pope's Vassals; may Depose Kings, and Abrogate the Laws.*

6. *That Church-men are as far above Kings, as the Soul is above the Body.*

7. *That Kings may be Deposed by their People for divers Respects.*

8. *But Popes can be Deposed by no means, for no Flesh hath Power to Judge of them.*

9. *That Obedience due to the Pope, is for Conscience sake.*

10. *But Obedience due to Kings, is only for certain Respects of Order, and Policy.*

11. *That those very Church-men that are Born, and Inhabit in Sovereign Princes Countries, are notwithstanding not their Subjects, and cannot be Judged by them, although they may Judge them.*

12. *And that the Obedience that Church-men give to Princes even in the meanest, and meer Temporal Things, is not by way of any necessary Subjection, but only out of Discretion, and for Observation of good Order and Custom.*

“Here we find what base Estimation Prelates had of Princes; may we not then justly except against their delivery (as it is by them urged) *No Bishop, No King?*

Whoever will have the Patience to read over this long and tedious Speech, and compare it with the Histories of those Authors which he has gleaned it from, may possibly find the matters of Fact either mistaken, or falsely represented; nor indeed can we give intire credit to all that was written

written by the Monks of those Times, who being great Enemies to the Bishops, may be supposed very partial in relating some Passages of their Lives: however, it is not my Province to vindicate the Ill Actions of any sort of men whatever, and is confessedly known, that several of those Bishops, as particularly *Becket* the famous Romish Saint, were notorious Traytors, and ill men.

May,
1641.

But that which I think ought not to be passed by without animadversion, is the Weakness of this Gentleman's Argumentation; for it is evident, that the main stress of his Argument is from the Actions of former ill Bishops to prove the necessity not only of taking from them all Temporal Power and Estate, but also to Abolish and Extirpate the very Office: for when ever he or any of his Party talk of Reformation, as he does when he tells you, *They were degenerated from the Primitive Institution, and that he only wishes there were Reformation, not Demolishing, but Amendment and Restitution*; the Reader is to Understand, that by those soft Words of *Reformation, Amendment, Restitution and Primitive Institution*, is meant the Utter Extirpation of Episcopacy as then it stood, and the Reducing it to the *Geneva standard*, which with them was a Restitution of it to its *Primitive Institution*.

Now how weak and inconsequential the Argument is from the Abuse of any Office, Power, Dignity, Trust, or Order, to argue the Abolition or Taking it away, there needs little more to be said, then that Admitting the truth of this for a Practicable and Necessary Maxim, all Laws, Government and Order must cease in the World; for it will as necessarily follow, That because there have been ill Kings and Parliaments, Magistrates and Laws, Therefore they ought wholly to be taken away; as, because there have been ill Bishops, that therefore the whole Order ought to be Abolished. And indeed, a few Years succeeding brought the same Consequences and Effects upon the King and House of Lords, as it had done upon the Bishops, who for Mal-administration, and pretended Miscarriages, by the Usurpation of these soft Reformers and Reducers of Men to their Primitive Institution, were both Exauctorated and discharged of any share in the Government, and many of them, with the King himself of his Royal Crown and Innocent Lives, verifying literally to a tittle, what he takes such pains to confute in the Close of his Speech as a false and foolish Maxim, *No Bishop, No King*.

And certainly this Gentleman ought to have considered, that Ecclesiastical Persons, have in all Ages, in all Places of the World, under all Governments, among all Religions, Pagan, Jew, Christian, Mahometan, universally had a share in the Administration of Civil Affairs, and particularly in Legislation, so far as the preparing of Laws for the Royal Impress amounts to; and with very good reason, by a Rule which upon some Occasions these Gentlemen have a Great Veneration for, *Quod tangit Omnes, ab Omnibus debet tractari*: and Ecclesiasticks as well as others being to be bound by Laws, ought to have their part in preparing and consenting to them. And further he ought to have considered, that Under the Jewish Oeconomy instituted by the Only Wise God himself, the chief Administration of all Civil as well as Religious Affairs was Vested in the Ecclesiasticks.

And for our English Constitution, the Laws had incorporated the Episcopal Order into the Very Fundamentals of the Government, making them one of the Three Estates of the Land, as they are by several Acts declar'd; and to their Sitting not only in Parliament, but in all Great

May,
1641.

Councils during the *Saxon* Government all Records, so long as we have any, unanimously inform us, so that they had an immemorial Prescription for their Right; and it was an ill presage what the future Reformation would prove, when it was begun with the over-turning of one of the three Fundamental Pillars upon which the Weighty Frame of the Government was built.

After all the long Harangue of the ill Actions of former Bishops in the times of Popery, when he comes in the period of his Speech, as one would reasonably have Expected, to speak something to purpose of the Protestant Bishops, instead of that, as if he had designed to Gratifie the Papiſts, he falls to caluminate the first Reformers, *Cranmer, Ridley, &c.* as factious turbulent Traytors and Incendiaries; and when he comes to those of his own time, the Pope of *Lambeth* and his Cardinals *Wren* and others, as he is pleased to stile the Archbishop and Bishops, he makes a most hideous Out-cry of *Popery, Arminianism, Idolatry and what not? of irreligion to the Deity, mischief and danger to the King, and prejudice to the People and Kingdome*; without offering so much as one single testimony or proof, by any Action, Word, or Writing of theirs, to support so gross and black a Charge. But this was a Method these Worthy Patriots had learnt from the Jesuits, *Fortiter calumniare, aliquid hæerebit*, to throw all the dirt imaginable upon the Albs and Lawn Sleeves of the Bishops, not doubting but some of it would stick to them in the opinion of the People; and they were such great Masters in the Art of Blackening, that I think even the Great Master of the Black Art, who has his name from calumniating and falsely accusing the Innocent, might have been their Schollar, as doubtless he was their Tutor in this hellish Trade.

But to leave Mr. *Thomas* with his long Speech, let us return to the other Affairs; the Faction was now under great Fears of both the *Northern* Armies, who were not only Discontented for want of Pay both *Scots* and *English*; but several of the latter seeing Evidently whither this procedure of the Anti-Episcopal Faction tended, had some warm thoughts about them; to endeavour to prevent it while they had the power in their hands; knowing that as soon as possible, the King would be stript of this Power, and those Forces be Disbanded; but the matter, it seems, was either not so well contrived, or so secretly managed, but that it took air, and so fired the Faction, that they presently blew it up into a flaming Conspiracy against the Parliament; some sparks of which flew into the City, which was all in a hubbub, by a false report that the Parliament-House was on fire; a Plot there was to be, that was certain; but it seems they were mistaken in the Nature of it; however for the present the House of Commons writ to the Army, the Letter being directed to Sir *John Conyers* and Sir *Jacob Ashley*, to look to their Charges and keep the Army in Good Order. The Letter follows.

S I R,

WE have had Cause to doubt, that some ill-affected persons have endeavoured to make a mis-understanding in the Army, of the Intentions of the Parliament towards them; To take away all mistaking in that kind, the House of Commons have Commanded me to assure you, That they have taken the Affairs of the Army into their Serious Care; And though for the present their Monies have not come as they wished, and as was due, by reason of the many Distractions and other Impediments, which this

The Speaker's
Letter to Sir
Jacob Ashley,
May 4. 1641.

this House could no wayes avoid, yet they would have them rest assured, that they shall not only have their full pay, but the House will take their merits into their farther Consideration, in regard they take notice, that notwithstanding their want, and endeavours of those ill-affected persons, they have not demeaned themselves otherwise, then as men of Honor, and well affected to the Commonwealth; which this House takes in so good part, that we have already found out a Way to get Money for a good part of their Pay, and will take the most speedy Course we possibly may for the rest. So I remain

May,
1641.

From my House at Charing-
Cross the 4th of this present
Month of May, 1641.

Your very Loving Friend, &c.

Sir, 'Tis the Pleasure of the House, that this Letter be communicated to the Army, to the end their Intentions may be Clearly understood by them.

This day a Letter from the Scottish General Lesly to Sir John Lowther and the Gentlemen of Cumberland was produced and twice read in the House.

Wednesday,
May the 5th.

It was this day Ordered also, That the Protestation should be forthwith Printed, and sent down into all Counties, Corporations and Burroughs, to all Sheriffs and Justices of the Peace: and to intimate to them, with what Willingness the Members of the House took it; and as they justifie the taking it in themselves, so they cannot but approve it in them that shall likewise take it.

Protestation
ordered to be
Printed and
sent down in-
to all Coun-
ties.

And for the promoting of the taking of it, these following Directions were Printed together with the said Protestation, and dispersed throughout the Kingdom; this was intended for a fatal Shibboleth to know the strength of the Faction, and to be a Mark of Discrimination between their Friends and Enemies; and was more particularly designed for a Snare for the Orthodox and Episcopal Clergy; and that Clause in the Directions to return the Names of those who refused to Enter into this Confederacy against the Church, made many timorous persons doubtless do an Action, for the justifiableness whereof they had no great Assurance. The Directions were these:

It is thought fit that the Protestation which the Parliament lately made be taken by the City of London, in the several Parish Churches, in the afternoon of some Lords Day, after Sermon, before the Congregation be dissolved, by all Masters of Families, their Sons, and Men-Servants, in manner and from following, viz.

Printed Di-
rections for
taking the
Protestation.

First, That forthwith Notice of this Intention be given to the Minister, Church-Wardens, and some other meet persons of each Parish in London, Liberties, and adjacent Parishes, and some of them to give notice to the rest of the Parishioners.

Secondly, That the Minister be intreated to acquaint his Parish in his Sermon, either Forenoon or Afternoon, with the nature of the business, more or less, as he shall think fit, for the better and more solemn taking of the said Protestation; or if the Minister refuse it, that some other be intreated to Preach that will promote the business; or if neither of these may be had, that some other convenient course be taken by some well affected to the business, to stay the Parish, and communicate the matter to them.

Thirddly,

May,
1641.

Thirdly, That the Minister or Ministers of every Congregation first take it in his or their own person, reading the said Protestation in so distinct a Voice, that all present may conveniently hear it, and that all the Assembly present do make the same Protestation distinctly after this manner, every man taking this Protestation into his hand.

I A. B. do in the presence of Almighty God freely and heartily promise, vow, and protest the same which the leading person took, naming the person.

Fourthly, That there be a Register Book wherein every man taking this Vow or Protestation subscribe his Name, with his own hand or mark, and that the Names be taken of such as do refuse the same.

Fifthly, That all the Parishioners abovesaid, whether in Town, or out of Town, be earnestly requested to be present at their own Parish Church in the Afternoon of that Lords Day whereon it shall be taken, that every man may take it in their own place; and if any be necessarily absent, that they may be desired to take it the next Lords Day after, or so soon as may be with Conveniency.

Sixthly, and lastly, That all whom it doth not immediately concern, be earnestly requested to depart.

It was further Ordered, *That all Members about Town be warned to appear at 8. of the Clock to morrow, and non-appearance to be accounted a Contempt of the House, upon which the House will proceed as against persons not worthy to Sit in the House; and that none go out of the Town without special Leave from the House.*

Earl of Newport made Constable of the Tower.

The Earl of *Holland* signified to the House of Lords, That he was Commanded by his Majesty to let their Lordships know, that he hath made the Earl of *Newport* Constable of the Tower of *London*.

They began also now to cast an oblique Aspect upon the Sword, as hitherto they had done upon the Scepter and Royal Prerogative, as appears by this following Vote and Order which was a necessary Preliminary Point, to their wresting the Militia, Forts and Castles from the King, as afterwards they did; for well they knew, that without the power of the Sword, they could never hope to mate the Scepter: It was therefore Ordered,

Order to Enquire into the Condition of the Forts, &c. and to take Account of the Militia, and to arm the Countries.

That the respective Knights, Citizens and Burgeses give an Account of the state of the Shires, Cities and Burroughs for which they serve, for Arms and Ammunition, Castles and Forts, and of the Governors, Lord Lieutenants and Deputy-Lieutenants, how affected to the Religion, and to present their Names to the House; and that where there is want, that Arms and Ammunition may be supplied.

By this Means they got a true account of all those who were their Friends, and who their Enemies, who were therefore to be displaced as disaffected to Religion, and Popishly inclined; as all those who were for Episcopacy, were vogueed to be: and besides, hereby they gave a General Alarm and Amazement to the Whole Nation to believe that those Fears and Jealousies with which they bewitched the People into Rebellion, were grounded upon the foundations of Truth and real Danger, which was the Occasion of this Inquiry into the state of the Militia.

Upon

Upon this a Message was sent to the Lords, to acquaint them with a dangerous Conspiracy to seduce the Army against the Parliament, and to increase the Fears and Jealousies among the People, an Order was sent from the Commons to the Lord Mayor of London, to take care of the City Guards : The Message to the Lords was *in hæc verba*.

Mr. *Hollis* who carried up the Message, read it in these words, *That the House of Commons hath received such Information as doth give them just cause to suspect, that there have been, and still are secret practices to discontent the Army with the proceedings of Parliament, and to ingage them in some Design of dangerous Consequence to the State, and by some other mischievous ways to prevent the happy success and conclusion of this Parliament.*

*And because the timely discovery and prevention of these dangerous Plots doth so nearly concern the safety both of * King and Kingdom, they desire your Lordships would be pleased to appoint a select Committee, to take the Examinations upon Oath of such persons, and Interrogatories as shall be presented unto them by the Directions of the House of Commons, and in the presence of such Members of that House as shall be thereunto appointed, with Injunction of such Secrecy as a business of this nature doth require.*

They have Ordered, That such Members of their House as shall be thought fit, shall upon notice be ready to be Examined; and they desire your Lordships would be pleased to order the like for the Members and Assistants of your own House.

And further it is desired, That your Lordships will forthwith send to his Majesty to beseech him in the Name of the Parliament, upon this great and weighty occasion, that no Servants of his Majesties, of the Queen or Prince may depart the Kingdom, or otherwise absent himself, without leave from his Majesty, with the humble advice of the Parliament, until these Examinations be perfected.

Whereupon it was Ordered, That this House will joyn with the House of Commons in all that they desire; and these Lords following were Deputed to take the Examinations, Earl of Bath, Earl of Essex, Earl of Warwick, Earl of March, Viscount Say and Seal, Lord Wharton, Lord Paget, and Mr. Serjeant Glanville, and Mr. Attorney General, to write and set down the Examinations.

There being never a Bishop in the Committee, a Memorandum was entered in the Journals.

Memorandum, *Whereas none of the Lords the Bishops are joyned with the aforesaid deputed Lords, it was declared by the House, that it should be no prejudice to the Lords the Bishops.*

This being done, the Lord Great Chamberlain, the Lord Steward, the Lord Chamberlain, the Earl of Dorset, and the Earl of Newcastle were appointed to wait on his Majesty with the aforesaid request of the Parliament, to which they brought this Answer.

That his Majesty hath willingly granted it, and gave a present Command to the Lord Chamberlain, the Earl of Newcastle, and the Earl of Dorset to give notice hereof to all under their Charge, that none

May,
1641.

Message to the Lords about the Conspiracy to seduce the Army.

Message about the Conspiracy of the Army.

* Yet afterwards they did all that was possible to persuade the People, that the King was in this Conspiracy.

A Salvo for the Bishops.

The Kings Answer concerning his Servants.

do

May,
1641.

The Oath of Secrecy given by the Lords, to Serjeant Glanville, and Mr. Attorney, assistant to the Committee of Lords, to Examine the Conspiracy.

The Persons accused.

Thursday,
May 6.

The Order of the Lords for stopping the Ports.

do depart the Kingdom without the King's License, but to be forthcoming upon demand; which accordingly they have already done.

After which the Oath of Secrecy was given to Serjeant Glanville, and Mr. Attorney, in these words.

YOU shall Swear, That in your writing and setting down of the Examination of the Witnesses to be produced before the Lords, deputed to take Examinations upon Interrogatories to be produced by the House of Commons, concerning the English Army in the North, and in all things concerning the same: You shall well, truly and faithfully behave your selves, and not discover the same before the end of this Parliament, or Publication granted, or leave of this House first obtained.

The Persons Accused of this Design of seducing the Army against the Parliament, were Sir John Suckling, Mr. Henry Percy, Brother to the Earl of Northumberland, Mr. Henry Jermyn, Colonel Goring, Mr. William Davenant, Captain Palmer, Captain Billingsley, and Sir Edward Warrdoun; and Warrants were issued out against them, to bring them under the Examination of the House of Commons.

This day there passed little of Moment, the Commons being taken up with Reading several Bills, one for the security of the True Religion, the Safety and Honour of his Majesties Person, the just Rights of the Subject, and the better discovering and punishment of Popish Recusants; as also another Bill for Subsidies: With which gilded baits they not only Angled for Popular Favour, but also endeavoured to hide their Antimonarchical Designs against his Majesty, by these specious pretences of endeavouring to study his Safety and Honour.

The House was this day informed, That the Persons against whom the Warrants were Issued, upon the Accusation of their endeavouring to seduce the Army, were not to be found; whereupon at a Conference it was desired, that all the Ports might be stopped, upon which the Lords made this Order.

Ordered, That all the Ports of England shall be forthwith stopped until the pleasure of this House be further known, and none to depart the Kingdom, except Sir Thomas Roe, and such as he will be answerable for, who is to give in their names to this House. And in particular, stay is to be made of Henry Percy Esq; Henry Jermyn Esq; Sir John Suckling Knight, William Davenant and Captain Billingsley, that they depart not out of this Kingdom, but are to be apprehended, and safely conducted with all speed unto this House.

Directed,

To the Right Honourable Algernon Earl of Northumberland, L. High Admiral of England,

To James Earl of March, Lord Warden of the Cinque-Ports.

To Jerom Earl of Portland, Captain and Governour of the Isle of Wight.

To George Goring Esq; Governour of Portsmouth.

After which Sir Philip Carteret, Lieutenant Governour under Sir Thomas Jermyn of the Isle of Jersey, having given an Account of the state of the Isle, was Ordered to repair to his Charge there; and if Mr. Percy,

Percy, Mr. Jermyn, &c. were there to apprehend them, and cause them to be safely conducted to the House of Lords.

A Conference was this day appointed to be had with the Lords, to acquaint them that divers persons, who were suspected to have a hand in the Conspiracy, and that in order to the discovery of it, should have been Examined, were gone; that new Informations were brought to the Commons of several *French* Forces lay in *Piccardy* to be Transported into *England*, probably into *Portsmouth*, and to desire their Lordships to joyn with this House for the Discovery of these Practices; and that some Forces may be drawn out of *Wiltshire* and *Barkshire* for securing of *Portsmouth*.

Sir *Walter Erle* was also ordered to go down into *Dorsetshire*, to take care of the preservation and safety of that County.

Sir *Hugh Cholmley* to go to the Lords, to desire them to move his Majesty, that the Earl of *Essex* in this time of danger may be made Lord Lieutenant of *Yorkshire*.

A Proclamation was drawn to bring in Mr. Percy, &c.

W Hereas Henry Percy Esq; Henry Jermyn Esq; Sir John Suckling Knight, William Davenant and Captain Billingsly being by order of the Lords in Parliament to be Examined, concerning designs of great danger to the State, and mischievous ways, to prevent the happy Success and Conclusion of this Parliament, have so absented and withdrawn themselves as they cannot be Examined; His Majesty by the advice of the said Lords in Parliament, doth strictly charge the said Henry Percy Esq; Henry Jermyn Esq; Sir John Suckling, William Davenant, and Captain Billingsly to appear before the said Parliament at Westminster, within Ten days after the Date hereof, upon pain to undergo such forfeitures and punishments as the said Lords shall order and inflict upon them.

The Earl of *Bristol* Reported to the Lords House, That his Majesty had taken a resolution for the disbanding of the new *Irish* Army; to that purpose an estimate hath been given in to the King of the Charges, that 10000 *l.* will now do it. Whereupon there is order taken for the speedy Raising and Returning of Moneys to that intent: And Sir *Adam Loftus* Vice-Treasurer of *Ireland* hath engaged himself to repay in September next, those Monies shall be disbursed by the Earl of *Cork* and others in the interim for that purpose.

That likewise there is care taken how to dispose and imploy the said Soldiers, that they may not be troublesome to that Country; to that purpose there are Eight Colonels and Captains Nominated, who will take off these Men and Transport them to Forreign Parts, which his Majesty will give way unto, if it be to a Prince that he is in Amity with; provided, that these Commanders do give the King and Parliament an Account both of their Persons, and their Employers, before they have the Command of the Soldiers.

Mr. *White*, Chair-man of the Committee for Scandalous Ministers, Reports the matter of Complaint exhibited against *Edward Finch* Vicar of *Christ-Church*, *London*: Upon which these Votes passed.

Resolved, &c. That the said *Edward Finch* is guilty of practising Innovations in the Church; Non-Residency, foul Extortion, neglect of the Duty of his Function, and prophaning the Sacrament; a Man of

May,

1641.

Fri day

May 7.

Heads of a Conference about the present dangers of Portsmouth, and the French.

Proclamation to bring in Mr. Percy.

Earl of Bristol's Report about disbanding the Irish-Army, May 7.

Saturday, May 8.

Votes about Mr. Finch Vicar of Christ-Church, London.

May,
1641.

prophane Life, scandalous in his Doctrine and Conversation, and a hinderer of preaching.

Resolved, &c. That the said *Edward Finch* is a man unfit to hold any Benefice or Promotion in the Church.

Mr. *White* is Ordered to transmit this Case to the Lords, that the Parish may be eased of him.

Thus early did they begin to strike at Root and Branch of Episcopacy, for all those who were obedient to their Governours in the Church, or thought God Almighty ought to have bodily Worship and Adoration in those places where he has put his Name, and made them Houses of Prayer; all those who thought kneeling at the Receiving the Holy Sacrament necessary, or any other decent Postures, Gestures, or Vestments that might outwardly signify inward Veneration and Homage Lawful and Expedient, were upon the slightest Accusations voted Guilty of Innovation, Prophaneness, and unworthy of any Promotion in the Church. And as Mr. *Symmons* in his Vindication of King *Charles*, who was an Eye-witness of this terrible Persecution, informs us, *All Accusations against any, though the best Ministers, by the most malicious and lewdest persons, were invited by Ordinance, encouraged and admitted of without any proof at all.* And it can be no wonder that the Orthodox Clergy suffered so deeply both in their Reputation and Estates, when not only their Accusers which mostly were the several Sectaries in their Parishes, or such others as went about to defraud them of their just Dues, were their most inveterate Enemies; but their Judges too were frequently both Parties in promoting and managing those Accusations, and by their open favouring their Accusers shewed the partiality of Enemies.

The Faction saw the absolute necessity of getting the power of the Sword into their hands, both to justify what they had already done, and to support them in what they intended by their pretended Reformation, which was totally to abolish Episcopacy in the Church, and to clip the Wings of Prerogative, if not wholly to take away the Government of Monarchy it self: Now to the accomplishment of this design upon the Militia, Navy, Forts, Magazines and Strength of the Nation, all Arts imaginable were used to gain the People; the great pretences were Liberty, Property and Religion; for as Mr. *Hambden*, one of the principal Grandees of the Faction, told a private friend, without that, they could not draw the People to assist them. The great Rubb in their way to the gaining of the People they knew would be the Loyal and Orthodox Bishops and Clergy, these therefore were to be removed, that so Creatures of their own might be introduced into Corporations, and especially into the City of *London*, who might from the Pulpit preach the Oracles of Sedition and Rebellion, delude the People, animate and encourage them to assist the Parliament in this Glorious Reformation, by putting the power of the Sword into their hands.

That they might effect this, they did not only obtrude Lecturers by order of the House upon most Churches of Note in *London* and elsewhere, but by their means, and the restless malice of the Sectaries, were perpetually Petitioning and Articling against the Episcopal Clergy. And to encourage this Trade of Parson-hunting, as the factious Sectaries called it, and which did extreamly tie them to the Parliament, a pretended Order of the House of Commons was printed and dispersed all over *England*, which when complained of, though disclaimed by the House within doors, yet was it never Counter-manded; no Penalty inflicted upon the

Symmons Vindication of King Charles, p. 73.

the Printer, Publishers or Spreaders of this Counterfeit Order, nay they were not so much as once questioned for it. By the Encouragement of this Order, and the Countenance this Petitioning and Articling against the Clergy found from the Committee for Religion, there were above 2000 Petitions Exhibited in a short time against them, in which they were charged with the most horrid Crimes of Adultery, Prophaneness, Swearing, Drunkenness, and indeed what not? Every accusation was not only received but Credited, insomuch that few or none of the Loyal Clergy Escaped the lash, *Honesty and Learning being then, as Mr. Selden said, Sins enough in a Clergy-man.* And when ever the Reader shall hereafter meet with any of these Votes against the Clergy, he is to look upon them rather as Marks of Honesty, and honourable Scars of their Wounded Reputation, then brands of ignominy, or real Crimes; for all their Sufferings proceeded only from their being guilty of Loyalty to their Sovereign Lord and King, and Obedience to their Superiors and the Laws of the Church, and of the State too as then it was Established.

But to pass forward, this New Plot of seducing the Army, with which not only *London* but the whole Nation rung again, was of Extraordinary Service to them, and from the Rumors which were spread of a *French and Irish* Army to be landed to joyn with the *English* Army, the Phana-tical Party took Occasion to provide themselves with Arms and Ammu-nition, of which afterwards they made sufficient advantage, when the Contest between the King and the Two Houses grew so high, as to come to the fatal decision of the Sword.

A Letter was this day Ordered to be sent to the Army in order to the discovery of this Conspiracy against the Parliament, and *Mr. Speaker* was ordered to send Copies of it under his hand to *Sir John Conyers* and *Sir Jacob Ashley*. The Letter was thus penned:

S I R,

W Hereas there have been just Causes of Jealousies that there have been some secret Attempts and Practices to infuse into the Army a mislike of this Parliament, to some dangerous intent and purpose against the State; and that now the matter is grown unto a strong presumption upon further discoveries, and by reason that some of those which were suspected to have been Active therein, are fled upon the first stirring thereof, before ever they were once named. It hath pleased this House to declare, That notwithstanding they intend to search into the bottom of this Conspiracy, yet purposing to proceed Especially against the Principal Actors therein, this House hath resolved (whereunto the House of Peers hath likewise consented), That for such of the Army as the Conspirators have endeavoured to work upon, if they shall testifie their Fidelity to the State by a timely discovery of what they know and can testifie therein, they shall not only be free from all punishment, but also shall be Esteemed to have done that which is for the Service of the State in discovery of so dangerous a Plot against it. And for such of the Army as are, and shall be found no wayes tainted with this dangerous Design, or knowing any thing thereof, shall make such discovery as aforesaid, as this House shall no wayes doubt of their Loyalty and Fidelity, so it will have an Especial Care not only to satisfie all such Arrears as this House hath formerly promised to discharge, but also give a fair Testimony of the Sense they have of their present and

The Speaker's
Letter to the
Army.

May,
1641.

past Want ; And it is Ordered by this House, That immediately after the receipt hereof, you should communicate this their Declaration unto all the Officers and Members of the Army under your Command.

Your very Loving Friend, &c.

Cessation prolonged for a Month from May 16.

It was this day also Agreed to a further Cessation of Arms for a Month longer, to begin from the 16. of May, if the Treaty shall so long continue.

Monday, May the 10th.

A Bill was read the first and second time for better levying and raising Mariners and Saylor and others, for the defence of the Kingdom.

Search for Arms at Lambeth.

An Information was also given in, or at least so pretended, to render the Archbishop more Odious to the Populace, and to Exasperate them against Him and the Rest of the Bishops, that there were great Stores of Arms and Ammunition laid up at *Lambeth*, in Order, as was buzzed about among the Faction, to promote some ill Designs against the Parliament ; whereupon Sir *John Evelyn* and Mr. *Broxam* were Ordered to go over to *Lambeth*, to view what Arms were there ; and some others were appointed to search about the Parliament House, lest any Plot should be secretly hid there : or rather in truth to amuse the People by these strange Fears and Jealousies, and keep them up in that Heat in which they were against the Government.

Money to be borrowed of the City upon Passing the Bill of Attainder, and Bill for Parliament.

This Day were passed, as before was observed, the Fatal Bills for the Attainder of the Earl of *Strafford*, and for the continuance of this Parliament ; upon which the Citizens and Burgeses for *London* were ordered to represent to the Lord Mayor and Court of Aldermen and Common Council what past this day concerning the Bill of Attainder, and the Bill for the Sitting of this present Parliament, and to move for a present Answer to be given for the Sixscore thousand pounds promised to be lent by the City for the great Occasions of the Kingdom.

There goes a Story which I have heard confirmed for truth, That a certain Witty Nobleman, the next morning after the passing this Bill for the Continuance of this Parliament during their Pleasure, coming to the King's uprising, Saluted him in this Familiar manner, *Good morrow fellow Subject*. Which though at present it did only a little surprize his Majesty, yet afterwards he found that no less was by that *ACT* intended by the Faction, who treated him as a Co-ordinate third Estate.

Message from the King concerning the Lord Cottington, &c.

Mr. Treasurer *Vane* brings a Message from the King to the House to acquaint them, *That his Majesty had already given Directions to prepare a Patent to make my Lord of Salisbury Lord Lieutenant of Dorsetshire, the Lord Cottington having offered to surrender his Patent ; and that the House may hereby see how ready his Majesty is to satisfy all their just Requests, being resolved to repose himself intirely upon the Affections of his People.*

The Commons Answer.

To which Message Mr. Treasurer was Ordered barely to return the Thanks of the House ; whereas formerly, upon far less Occasions, more Dutiful Commons were ever wont to return their Answer with the Stile of *His Majesties Gracious Message* ; and these Men could upon occasion, and when they had an intention to flatter the King in order to some further Favours, do it themselves.

Thus did this Great Prince indeavour in every thing to oblige this stubborn Faction ; but alas ! he met with nothing but ingratitude from their Presbyterian Temper, who looked upon what ever he gave, as his Duty,

Duty, and construed his most Gracious Concessions to be the Effects of his Fear, not his Bounty; and from thence they took courage to raise their demands higher, as hereafter we shall see.

This day the Bill for pressing Marriners and others was passed, and Ordered to be ingrossed.

The Earl of *Bristol* signified to the House of Lords, That the Scots Commissioners had desired the Lords Commissioners to present to the Parliament an Extract which they have made of a Letter sent them from the Committee at *New-Castle* dated the 30th of *April*, which was read. *Viz.*

WE find by Sad Experience, that if a way had been invented to ruin us, there could not be one more ready then this undermining of us by granting new Cessations, and keeping back of the Monies promised for our daily Maintenance, which makes us Earnestly to recommend to your Lordships Care, the pressing of Money for us with speed, and to consider well of our Estate in case any new Cessation be desired.

We perceive likewise the same Effects to follow upon the Prorogation of the Parliament, for the Countrey by delay of Justice, stop of Trade, keeping up Armes within, and sending their Victuals to us, is so exhausted, that ere it be long this Remedy will be worse then the Disease.

These Considerations make us to intreat your Lordships with all earnestness to press for an Answer of our Demands, and a Conclusion of the Treaty in such a way as your Lordships shall think fitting, having respect first to the Cause in hand, and next to the Condition of our Army and the Estate of the Country at home.

Then his Lordship told them that the Scots have received an Answer from the King of those Articles which his Majesty had undertaken to consider of; and declared the earnest desire that the Scots Commissioners had exprest to the Lords Commissioners to have an end of the Treaty, and the Peace settled, that so they may return into their own Countrey.

Hereupon a Message was sent to the Commons to desire a Conference by a Committee of both Houses presently touching the Treaty of both Kingdoms.

Divers Recufant Lords declared to their House, that they were ready to take the Protestation, so much as concerns the Civil part of it, so they might be dispensed with for the matters of Religion which binds their Consciences, which the House giving way to, the Lord Marquis of *Winchester*, the Earl of *Rivers*, and the Lord *Audley* made the Protestation accordingly.

It was this day Ordered, That Mr. *Pym's* Speeches at the beginning and end of the Lord *Strafford's* Trial, as also Mr. *St. John's* Argument in Law should be Printed.

The Bill for the better Levying of Marriners was read a Third time: and being put to the Question, It was Resolved, That it was fit to pass for a Law, *Nemine Contradicente*.

It was also Resolved, That the House of Lords should become Suitors to his Majesty about the Wife, Children and Creditors of the Earl of *Strafford*, that he will be pleased to take them into his Mercy and Consideration.

There was also a Conference appointed to be had with the Lords, that some care may be taken of the Queen-Mother who was threatned by the

May,
1641.

Extract of a
Letter from
Newcastle read
in the House
of Lords.

Some Recu-
sant Lords
take the Pro-
testation.

Tuesday,
May 11.

The Bill for
Pressing Sea-
men passed
the Lords
House.

The Lords to
intercede with
the King for
the Wife and
Children of
the Earl of
Strafford.

Tumults. A
Conference a-
bout the Queen
Mother.

1641.

May.

Wednesday,
May 12.
Voted about
Mr. Will. Ashton
Vicar of
Painswick.

Bill for the
Army, &c.
and for short-
ning Michaelmas
Term, passed the Lords
House.
Order to Pillory
Harwood,
and Drinkwater for Con-
tempt of the
House.

the Rabble. A great Character being given of her, that she was a person of great moderation, and had expressed her desire to the King that he should Govern by Parliaments, how dishonourable it would be to this Nation to suffer her to be treated with rudeness and insolence in a place whither she was come expecting Protection.

They had now raised a Devil to affright the King, which they began to be affraid of themselves, for the Tumults grew so high, that 1000 Seamen being got together about the Tower, pull'd down Two Houses, opposed the Trained-Bands who were sent to disperse them, and in the Fray kill'd two of them and wounded others.

Upon Report from the Committee for Religion concerning Mr. Ashton Vicar of Painswick, It was Resolved &c. That the Vicar of Painswick, Mr. William Ashton is a common haunter of Ale-houses, a common Drunkard, a frequent attempter upon the Chastity of Women, and unfit to hold any Benefice or Promotion in the Church, and the Case to be transmitted to the Lords.

I do not find this Gentleman Recorded by Mr. White the Chairman of this Scandalous Committee, which makes me apt to believe that his Crimes were too slenderly proved to indure the Light; and well we may judge him innocent notwithstanding this heavy Charge, when even some of those who were recorded in that shameless Book of Centuries who were Accused of Adultery and Drunkenness, had those horrid Accusations supported by no other proof than only *kissing a Woman in the presence of Company, and the drinking only one half pint of Wine*; but the manner was to lay all manner of Crimes in the Petition and Articles, and if any of the least, or which they called so, such as bowing at the Name of Jesus, Preaching against Sacrilege, or for Conformity &c. were proved, the Charge was supposed sufficiently made good, and they were Treated accordingly, as if they had been the most notorious Criminals and those Crimes most notoriously proved.

The Bill for the further relief of his Majesties Army and the Northern parts of this Kingdom, as also the Bill for abbreviating of Michaelmas Term, being Thrice read in the House of Lords, upon the Question, they were severally agreed to be passed as fit for Laws.

It was also Ordered, That Robert Harwood, and Thomas Drinkwater for their Contempt of the Orders of the Lords House, should be set upon the Pillory in the new Palace-Yard at Westminster, there to remain two hours in the Morning, with Papers on their Heads with this Inscription, *For disobeying and using scornful speeches against an Order of the Upper House of Parliament.*

In the Commons House, the Petition of the University of Cambridge for the maintenance of Episcopacy and Cathedrals were read, which as I find it in the Collection of Speeches commanded to be Printed by his Majesty, to let the Nation see that it was only the Faction that desired their overthrow, and not the whole Body of the Kingdom, was as follows.

Honoratissimis

Honoratissimis viris Equitibus, Civibus & Burgenſibus Supremæ Curie Parliamentariæ Senatoribus Conſultiſſimis ſumma cum Demiſſione.

Senatores Honoratiſſimi,

Non veremur, ne volventibus tanta negotia moleſti ſimus Academia Cantabrigienſis, cum nihil ſit aut ad Religionem certius, aut ad ſplendorem nominis excelsius, quam ſuſcipere Litterarum clientelam, in quo Studio, cum ſingularis Animi veſtri propenſio ſemper eluxerit, tum nulla in re magis poſſit eminere quam ſi Eccleſiæ honeſtamenta ea quæ ſub optimis Regibus tam diu obtinuerunt, indelibata tueamini.

Non enim agitur unius Academiæ, non unius Ætatis cauſa; nam nec induſtria poterit non relanguere, nec bona indoles ali, neq; augeri, nec vota parentum non in irritum cadere, niſi ſpe non vana ſuffulciantur. Quam præmaturum bonis artibus occaſum imminere, ſi ſtipendium idem Militi ſit quod Imperatori? Sunt qui expediendis Scholaſticorum ambagibus, evolvendis antiquorum Patrum Monumentis, expurgandæ fæci Romanæ, velut Augæi ſtabulo ſe totos impenderunt; nec aliam mercedem preſant, quam in Eccleſia Cathedrali tandem aliquando quaſi in portu conquieſcere; ita ſit ut quod ignavis Aſylum inſcitia eſt, id candidioribus ingeniis pro ſtimulo ſit ad optima perſequenda, nec æquitas iudiciorum veſtrorum ferret, improbitatem nonnullorum in publicam Calamitatem redundare.

Impetigo Romana quam amplam tum ſibi naſta videbitur ſe diffundendi materiam, cum non ſit niſi imbelles adverſarios habitura? neq; enim certamini vacare poſſunt qui id unicè agunt, ut in roſtris concionibus ſudent; etiamnum perſentiſcere nobis videmur nudam atq; inanem Academiam & antiquam paupertatem quaſi præludio perhorreſcimus: Nec veſtra progenies non aliquando ventura eſt in tantarum miſeriarum partes. Quin itaq; Senatores ampliſſimi per ſpes parentum, per illecebras induſtriæ, per ſubſidia ſimul & ornamenta pietatis, per vincula, nervos, & firmamenta litterarum, velitis ſplendorem Eccleſiæ, qui longiſſimis ab uſq; temporibus deductus eſt, authoritate veſtrâ communire. Sed quia lingua nativa dolores & deſideria ſua fælicius exprimit, annexam Litteris Petitionem, benevolis auribus excipietis.

Honori veſtro Deditiſſimi
Procancellarius, reliquuſq; cœtus
Academiæ Cantabrigienſis.

Datæ è Frequenti Con-
ventu noſtro Cantabr. tertio
Idus Aprilis, 1641.

To the Honourable the Knights, Citizens, and Burgeſſes of the Houſe
of Commons Aſſembled in Parliament,

The Humble Petition of the Univerſity of Cambridge

Sheweth,

That your Petitioners having heard of divers ſuggeſtions offered to this Honourable Court by way of Remonſtrance, tending to the ſubverſion of Cathedral Churches; and alienation of thoſe Lands, by which they are ſupported, being the Ancient Inheritance of the Church, founded and beſtowed by the Religious bounty of many Famous and Renowned Kings and Princes of this Land, & other Benefactors both of the Clergy and Laity,
and

May,
1641.
The Petition
of the Univer-
ſity of Cam-
bridge, May
12. 1641.

May,
1641.

and Established and Confirmed unto them by the Laws of this Kingdom, and so accordingly have been employed to the advancement of Learning, the encouragement of Students, and preferment of Learned Men, besides many other Pious and Charitable uses.

May it please this Honourable Court, out of their great Wisdom and tender Care for the cherishing of Learning, and furtherance of the Studies and Pains of those who have, and do devote themselves to the service of the Church, graciously to protect and secure those Religious Foundations from Ruine and Alienation; and withal to take order that they may be reduced to the due observation of their Statutes; and that all Innovations and Abuses, which have by some Mens miscarriages crept in, may be Reformed, that so the Students of our University, which by the present fears both are and will be much saddened and dejected, may be the better invited to pursue their Studies with alacrity, and the places themselves disposed to the most serviceable and deserving Men, according to their first Institution.

And your Petitioners, as in Duty bound,
shall ever pray, &c,

The Defence
of Deans and
Chapters
heard in the
House of Com-
mons.

This day, for fashion sake, those Gentlemen who desired to speak something in defence of the Deans and Chapters were heard before the House of Commons; and after Dr. *Burgess* had inveighed against the singing of the Service, alledging, That Devotion vanished into Quavers, and that St. Paul's Hymns were *Legentibus non Cantantibus*, and had run a long Harangue upon the necessary use of Prayer, and the power of Preaching; Dr. *Hacket* made a learned Speech in defence of those Religious Foundations, shewing how much they tended to the Glory of God, the Advancement of True Religion, Promoting of Piety, Encouragement of Learning, and the good of the Common-wealth. The sum of his Defence, so far as I can collect from those broken fragments which are Entred in the Journal of the House of Commons was as follows.

He shewed, That in the beginning of the Reformation of this Church from Popery, it was Queen *Elizabeths* great care to place the most Learned and Able Men in the Cathedral Churches; and that from thence the great light of the Reformed Religion spread it self over this Nation, by the constant preaching that was maintain'd there every Lord's Day, besides a weekly Lecture. That here were the Nurseries and Seminaries of Learning, there being a Grammar-School to every Cathedral; that the great Encouragement to Learning was the future expectancy of Rewards, without which very few persons would be induced to fit themselves for Sacred Functions; that the Labour and Industry must be great and long, and the Charges extraordinary, to qualifie any Person for the Service of God and the Church; and that therefore these Encouragements are not more then enough to invite Men to these chargeable and laborious Studies.

Then he proceeded to shew the Primitive design of these Structures and Foundations, which was, That the Colledge of Presbyters might be as a Synod and Council to the Bishop, to assist him in the Exercise of his Jurisdiction; that they were greatly for the Honour of our Religion, being the first Monuments of Christianity in our Nation, dedicated to the Service of God, and set apart for the continual Exercise of Christianity,

anity, continual Prayers and Praises being there offered up to God Almighty for all sorts and conditions of Men.

Then he proceeded to shew the advantage of those Foundations which the Church enjoyed by the Religious bounty of our devout Ancestors, whose Wills ought to be had in Veneration. As first, to the Churches Tennants, who had very advantageous Leases many times not much different from Inheritance, paying only one part of Seven, rather as an acknowledgment than a Rent. Secondly, To the Cities wherein they were, by the great Resort and Concourse of People to those places. Thirdly, To the Poor, who found there a constant relief from their Hospitality. Fourthly, To the King's Revenues, for that besides their First-fruits, Tenths, &c. no sort of Men did more readily grant Subsidies to his Majesty, or were more willing at this time to contribute to the publick Charges of the Kingdom.

He trusted much, he said, in the Honour and Justice of this Honourable House, in regard that though they were Accused of great and flagitious Crimes, yet he could not hear of the least proof offered against them; and therefore he hoped that they who professed so much sincerity in Religion, would never have St. Paul's censure deservedly laid upon them, *Thou that abhorrest Idols, dost thou commit Sacrilege?* Which he did not see how it could be avoided, if they destroyed these Religious Foundations, which were dedicated and set apart for the solemn Service and Honour of God: Concluding. That upon the Ruine of the Rewards of Industry and Learning no Structure could be raised but Ignorance, and upon the Chaos of Ignorance nothing but Confusion, Profaneness, Irreligion and Atheism. But Alas! All this was but *Surdus Canere*.

Upon this there arose a warm debate, and the Episcopal Party in the House, who were by far over-numbered, urged, That they took the late Protestation to be the meaning, and intention of the House to defend the Protestant Religion, and not to destroy it, according to the first Clause of the said Protestation. But they soon found themselves in *Solomon's Snare*, who informs them, that is a Snare to devour holy things, and after vows to make Enquiry; for whatever their intention was in taking it, the imposers had one very far different, and meant it as an Engine to pull down the Ecclesiastical Hierarchy as a Relique of Popery, and therefore they now explained their meaning to be, That, *by the True Reformed Protestant Religion, expressed in the Doctrine of the Church of England, against all Popery and Popish Innovations within the Realm contrary to the same Doctrine*, is meant only the Publick Doctrine professed in the said Church, so far as it is opposite to Popery and Popish Innovations; and that the said Words are not to extend to the maintaining of any Form of Worship, Discipline or Government, nor of any Rites or Ceremonies of the said Church of *England*. So that upon the Matter hereby the Government of the Church by Arch-bishops, Bishops, &c. together with the Liturgy, were plainly designed for Extirpation, which is the Presbyterian way of Reforming.

Thus by an unhappy Artifice were many worthy and sound men, not only for the Doctrine but Government of the Church, as it were drawn into a Confederacy to destroy her. And if their too inconsiderate compliance drew them into this danger, how deeply were they Guilty who designedly drew them into the making a solemn Protestation, Vow, and Promise in the presence of Almighty God, to perform something,

May,
1641.

Explanation
of the Prote-
station.

May,
1641.

which by their own Confession was so mysterious and doubtful as to need an Explication ; a Vow, made without the knowledge or consent of their Supreme Lord and Sovereign, and as they Explained it, not only directly contrary to their Oaths of Allegiance and Supremacy, but such a one as their Sovereign could not permit them to keep, but he must violate his Coronation Oath, by which he had obliged himself to defend the Church in all her Privileges and Immunities, as then by Law possessed and enjoyed. A most impious affront to the Supreme Majesty of Heaven, making him a Party to a Vow so rashly made, that the very framers of it, to their Eternal Infamy acknowledged by this Explanation, carried so much Ambiguity, as to render it not sufficiently understood to be taken with a safe Conscience, nor by many of those who took it be kept without perjury and making shipwreck of their Consciences. However this advantage Posterity will be able to make of it, not to be again imposed upon by such wily stratagems of pretenders to Reformation, but for the future will more easily be able to discover the design and meaning of such Protestations and Associations ; and in what sense they who dissent from the Church of *England* understand the True Protestant Religion, of which they boast themselves such great Champions and Assertors ; and that though for a time, to serve their Interest they may dissemble, yet they esteem the Discipline, Rites and Ceremonies of the present Established Church of *England* no better than Popery and Popish Innovations : And that notwithstanding the Testimony of Antiquity, long before either Popery or Presbytery came into the World, recommends them to us as the Primitive Government, and Usages of the Universal Church ; notwithstanding that the first Reformers set to their Testimony by Martyrdom, which they suffered from the Papists ; an evident demonstration that they are not Popish : Notwithstanding that they are agreeable to the Rule of Scripture, enjoined by those Laws and Legislators, who detested, abhorred and banished the Pope and Popery out of *England* ; yet if ever they can get the Power proportionable to their Wills, they will endeavour to Extirpate Root and Branch the most truly Primitive and Apostolical Church in the whole Christian World.

Message from
the Commons
about the Bill
to restrain Ec-
clesiastical
persons from
meddling in Se-
cular Affairs.

A Message from the House of Commons by Mr. *Arthur Goodwin*, who delivered the Bill for the abbreviation of *Michaelmas* Term, which the Commons had passed with the amendments : *And to desire their Lordships from the Commons to take into Consideration, as soon as they can, the Bill touching the Restraining of Bishops, and Persons in Holy Orders from intermeddling in Secular Affairs.*

Thursday,
May 13.
Fears of the
French.

This day two Letters were read in the House of Commons, one from Mr. *Peter Heywood*, another from *Thomas Smith* of *Dover* to one *James Buckhurst*, of the great fears of the *French*, and their being about to Ship many thousands of men to be landed in *England* ; the Consideration of which were referred to the Committee of Seven.

Thus did they by continual Alarms of Fears and Dangers, even upon the slightest and most trivial Grounds, as it were, to keep the People perpetually awake, and force them into those dreadful State-Phrensies, which were the deplorable Consequences of these Reports and Rumors.

His Majesty came this day into the House of Lords, and having Seated himself in his Chair of State, the Lords being in their Robes sitting uncovered, the House of Commons were sent for, the Royal Assent being
to

to be given to three Bills, viz. One for the Abbreviation of Michaelmas Term: Another for Pressing and Levying of Marriners and others, for the Service of the Kingdom; and the third, For the Remainder of the Six Subsidies: Upon the presenting of which Mr. Speaker made this Speech, as I find it in the Book of Speeches, Pag. 204.

May,
1641.

May it please Your Most Excellent Majesty,

THE great security of the Kingdom rests in the happy concurrence of the King and People in the Unity of their hearts.

These joyned, Safety and Plenty attends the Scepter; but divided, Distraction and Confusion, as Bryers and Thorns overspread and make the Land barren.

No Peace to the King,
No Prosperity to the People.

The Duties and Affections of Your Subjects are most Transparent, most Clear, in the chearful and most liberal Contributions, given to knit fast this Union with the bond of Peace.

The Treasures of the privy Purse are but the supplies of Princes, warranted by a common Interest: But the publick Tribute given by common Assent, supports Royal Dignity, is sheltered under the Wings of Prerogative, and by that Power covered from the Eyes, from the Touch of Deceivers.

In these we render Cæsar what is due to Cæsar, and Tribute to whom Tribute belongeth.

The proper Inscription of the Crown is born here, and Censures those Malignant Spirits that dare whisper into the Ears of Sacred Majesty, that our selves only, not Your Sacred Person, not Your Royal Posterity, are the Supreme Objects of the Givers.

The preservation of the publick Union, the supply of Your Armies, the distresses, miserable distresses of the Northern parts; the common Calamities of the times begat the consideration of this Bill (the Remainder of the six entire Subsidies happily presented to Your Sacred Majesty by this unworthy hand) the first Vote advanced a credit to us to issue them for the use of Your Sacred Majesty.

The full perfection adds growth to that Credit, and enables us to return to Your Sacred Majesty, as to the Ocean, the Tribute due to Justice and Sovereignty.

These are the vast earnest of our desires, which take their rise from the due regard, from the safety of Your Throne, of Your Posterity.

Your Royal Assent stamps Your Image here, and makes this Yours, and Yours only; which I (by the Commands of the Commons) humbly beseech of Your Sacred Majesty to give.

After which the Clerk of the Crown reading the Titles severally, the Clerk of the Parliament pronounced the King's Assent. This being done, his Majesty delivered a Paper to the House concerning the Draining of the Fens, recommending it to their consideration as a business much concerning the good of the Kingdom.

The Act for restraining Bishops, and others in Holy Orders, from intermeddling with Secular Affairs read a second time.

Mr. Speaker's Speech at the passing of the three Bills, for Abbreviation of Michaelmas Term, for pressing Marriners, and for the Remainder of the six Subsidies, May 13. 1641.

May,

1641.

Mr. Smith a
Minister com-
mitted to the
Gatehouse.

This day one Mr. *John Smith*, a Minister in Custody of the Serjeant Attending the House, was brought to the Bar, and Committed to the Gate-house for words spoken against the Parliament. For though all sorts of people spake freely enough against the Actions of the Judges, Ministers of State, Privy-Councillors, nay and of the King himself, without the least controll or danger of either punishment or animadversion, yet to speak against any thing done or said by the Commons was now become the most dangerous offence, and which through the diligence of the well affected Party, for so the *Dissenters* from the Church called themselves, who were most notable Informers, was certainly complained of to the Commons, and by them most severely punished, if not by Prisons, yet by the great Charges of being kept long in the Custody of the Serjeant at Armes.

Friday, May
14.

The Explanation of the Protestation formerly mentioned, was this day Ordered to be Printed and Published: that so the Presbyterian Party might receive encouragement and assurance of their intention to pull down the Government of the Church, by way of a Glorious and thorow Reformation.

Dr. Cozens and
others at the
Bar of the
Lords House.

This day Doctor *Cozens* and some others that are Delinquents in the Impeachment brought up from the House of Commons, were called in, who kneeled at the Bar, and then stood and heard the Impeachment read; after it was read, Doctor *Cozens* made his humble request in behalf of himself and the rest, that this Cause may be heard publicly before the whole House.

This day Two Clergy-men who had been informed against in the House of Lords, were Released by the following Orders.

Sandeland and
Waferer two
Clergy Men
Released.

W Hereas Andrew Sandeland Clerk, hath been long in Custody for words alledged to have been spoken by him, for which this House had just cause to have inflicted punishment upon him, if they had been proved; but after a long time no Prosecution appearing against him, it is Ordered, That the said Andrew Sandeland be forthwith discharged and set at liberty of and from his present Restraint or Imprisonment, and that any Bond or other Security entered into by the said Andrew Sandeland for his attendance upon this House, shall be forthwith Cancelled and delivered up to him.

Ordered, That Michael Waferer Clerk, having been long in Custody, be forthwith discharged of his Restraint, and that his Bonds and other Security given for his Attendance upon this House be delivered up to him to be Cancelled, and his Cause dismissed this House, because no Prosecutors have this long time appeared.

The Faction found better Encouragement from the Commons House to prosecute honest men, by their false Informations at the Committee for Scandalous Ministers. And indeed the Lords House was not at all for their purpose yet, while the Bishops and so many of the Loyal Nobility sat there, whose Honour and Justice would soon have discovered the Malice of these Accusations.

Lord St. John
of Bletsoe In-
troduced into
the House of
Lords.

This day the Lord St. John's of *Bletsoe* was Introduced in his Robes, between the Lord *Hunsden* and the Lord *Grey of Wark*, he delivered his Writ upon his knee to the Speaker, which being delivered to the Clerk it was read, then the Lord Chamberlain, and the Lord *Moubray* in the place of the Earl Marshal his Father, and the King at Arms going before

before him, brought him and placed him next below the Lord *Hunsden*. After which he, and the Lord Chief Baron took the Protestation.

The Commons having received an Information against Mr. *William Davenant* the Poet, and Mr. *Elias Walley* concerning the Business of the Army, they were by Order of the House sent for as Delinquents by the Serjeant.

Also several Informations against Mr. *Percy* the Earl of *Northumberland's* Brother, which were taken at *Chichester* were read, upon which *John Lamb*, and *Robert Merryweather* were sent for from *Chichester* to be Examined upon it, and a Conference with the Lords was desired upon it.

The Earl of *Bath* reports the Conference, *That the House of Commons have received certain Information, that on Wednesday Night last past was Sevensnight, Mr. Percy came to Petworth and sent for one Robert Merryweather and borrowed of him a Horse to ride on the next Morning early, which he did, and the Friday after returned to Petworth, and caused the said Merryweather to ride with him to Shoram to get a Boat to carry him over into France, telling him that he had dangerously hurt a Man. Mr. Percy returning again to Petworth on Monday Morning last, sent again for the said Merryweather into a Wood and desired him to lend him a Horse, and wished him to go with him to Mr. Lamb to Pagham, to get him a Boat to carry him into France, and that on Thursday last in the Evening there were Three Gentlemen about Pagham which were suspected to be some of the persons mentioned in the Proclamation; divers Men were called to Aid for the attaching of their Bodies, two of them were apprehended, viz. Merryweather and Lamb, but the third set Spurs to his Horse and escaped, his Horse being wounded with a Prong. This Gentleman that escaped is confest to be Mr. Percy, who had hired a Boat of Thomas Waterman of Selsey, to pass over into France, for which he was to give 40l.*

The desire of the Commons was that their Lordships would think of some Course for the Apprehending of Mr. *Percy*, either by stopping of the Ports, or by sending forth their Warrants.

After some consideration herein their Lordships were of Opinion that the shutting of the Ports would prove very inconvenient for Trade, and that the Proclamation lately set forth by his Majesty for his Apprehension was of validity enough, and needed no other Assistance.

Alderman *Pennington* acquaints the House that Money comes in as fast as it can be told.

Ordered, That *Robert Harwood* and *Thomas Drinkwater* shall be spared at the Request of the Lord Great Chamberlain, from standing on the Pillory, but shall be brought to this House upon their Knees at the Barr, and make their humble Submission for their Misdemeanors.

Ordered, That this House have a Conference with the House of Commons to morrow morning, concerning the Concourse and Tumults of People resorting hither out of *London* and other places.

Complaints now came in every day against the Loyal and Orthodox Clegy, inso much that the Committee for Religion was divided into many Sub-Committees, Mr. *Whites* Committee, Mr. *Corbets* Committee, Sir *Robert Harlows* Committee, and Sir *Edward Deerings* Committee, and Mr. *Corbet* who made the Report against *Emanuel Uty Dr.* in Divinity, Rector of

May,

1641.

Saturday, May 15.
Mr. Davenant and Mr. Walley sent for by the Serjeant as Delinquents. Informations against Mr. Percy.

Conference about Percy, Merryweather, and Lamb.

The shutting the Ports, occasioned the Tumult of the Seamen before.

Order about Harwood and Drinkwater to excuse them from the Pillory. Tumults:

Monday, May 17.

May,
1641.

Votes con-
cerning Dr.
uty, Rector of
Chigwell.

White's First
Century of
Malignant
Priests, Num.
5.

Vote concern-
ing the Scots
desire of Uni-
formity of
Religion in
both Nations.

Mr. Davenant
Committed to
the Serjeant.

Lord Say made
Master of the
Court of
Wards.

Order of the
Lords about
Tumults.

of Chigwell in the County of Essex, boasted that he had Nine Hundred Petitions against Scandalous Ministers. Upon his report of the Complaints made against Dr. Uty, it was

Resolved &c. *That Dr. Emanuel Uty is a man of very scandalous and vitious life, corrupt in his Doctrine, superstitious in his practice, an Incendiary, Guilty of words spoken against the Kings Supremacy, of words tending to Blasphemy, of words very scandalous against the Parliament.*

Resolved &c. *That Dr. Uty is unworthy to have and enjoy any Ecclesiastical Benefice or Spiritual Promotion, or to have the Cure of Souls.*

If the rest of their Accusation were no more true, or better proved then the first, of Dr. Uty's being a Man of very Scandalous and Vitious life, it may very well be supposed that Dr. Uty was very innocent. For White the Chairman of one of these Committees who Printed the Centuries of Scandalous Malignant Priests, as he called the Loyal Episcopal Clergy, makes not the least Mention of any thing Scandalous or Vitious in his Life; and no person who reads that infamous Libel, can possibly believe that White would spare him in particulars so material to his Design. But this unpardonable Offence, was, as he is there Charged, for affirming, not that all, but, *That Parliament-men are Mechanicks and illiterate, and have nothing to do to intermeddle in matters of Religion.*

The House of Commons then Entred into debate about the Propositions concerning Religion delivered in by the Scottish Commissioners. And it was

Resolved, That this House doth approve of the Affection of their Brethren of Scotland in their Desires of a Conformity in Church Government between the Two Nations, and doth give them Thanks for it; and as they have already taken into Consideration the Reformation of Church Government, so they will proceed therein in due time as shall best conduce to the Glory of God, and the Peace of the Church.

There is nothing that does more clearly Evidence the great Confort that was between the English Puritans and Scottish Presbyterians to destroy the present Church Government, than this Vote, which according to the usual Hypocrisie of those Men and Times, was still prefaced with a design of Gods Glory and the Peace of the Church.

This day a poor Printer was committed to the Gate-House for Printing an Elegy upon the Earl of Strafford.

Mr. Davenant who was taken at Feversham in Kent, was brought to the Barr of the Commons House, and committed to the Custody of the Serjeant, who was commanded that none should be permitted to speak with him but in the presence of the Serjeant or one of his men.

This day also the Lord Cottington resigned his Place, and the Lord Say had the Seal given him, and he was sworn Master of the Court of Wards. Thus did his Majesty endeavour by repeated Acts of Grace and Favour not only publique but private, to oblige a sort of Men, who, as He himself complained but too justly afterwards, turned them all into Wantonness. Manifesting to all future Ages, how impossible it is to oblige ingrateful Tempers, or to subdue a Rigid Presbyterian by the soft Methods of Favours and Compliances.

Ordered, That if the People do assemble here in any Tumultuous manner, this House will take Care to suppress them, or Adjourn the House till it be done.

A Conference appointed with the Lords concerning the Queen Mother, the Lords to be desired to intreat his Majesty, That the Queen Mother would be pleased to depart the Kingdom, in regard they fear they shall not be able to protect her from the Violence of the People; and for the Tumults this House will joyn with the Lords, and send to the Lord Mayor and Magistrates to take Care to suppress them for the future.

Thus was this Glorious Reformation of the Church begotten, born, and nursed with Tumults and Disorders, from the danger of which it seems not the Law of Nations, nor the Sacred Character of Majesty, could afford any Security or Protection.

A Message from the House of Commons, desiring to receive an Answer to a former Message concerning the Lord Lieutenancy of *Yorkshire* to be conferred upon the Earl of *Essex*; upon which the Lords made application to his Majesty, who the next day being the Twentieth, sent this Message to the House to let them know, That he had conferred the Lieutenancy of *Yorkshire* upon the Earl of *Essex*, and the cause why His Majesty did not give an Answer before now was, Because a Grant was made under the Great Seal of the same to the Lord *Savile*, who is become a Suitor to his Majesty to give him leave to surrender up his Patent to his Majesty (seeing it is at the Instance of both Houses) who hath accepted of that Surrender.

For this the House appointed the same Lords who carried the Message to return to his Majesty humble Thanks, and thought it fit that Intimation be given to the House of Commons of this Answer of his Majesty.

But amidst all the Variety of Chaces which were roused for the People to run at, the scent of Fears and Jealousies of Plots and Dangers was to be kept Warm, and for this purpose this Day all Forreign Letters were by Order of the House to be stayed and opened; but how little they dreaded a Forreign Invasion, had men then considered, might Easily have been discovered: for this very day the House fell upon the Consideration of Disbanding the Armies; which had they really feared the Landing of the *French* in *Guernsey*, *Jersey*, or at *Portsmouth*, they would rather have raised more men for the defence of those Places, and to prevent those Dangers.

Hitherto they had proceeded upon the fair pretence of Reformation only; and though it be very Evident both by their *Protestation* as Explained, and by several other Passages, that they did not only design to devest the Bishops of their Votes and Peerage, and the Clergy of all manner of Secular Power, but utterly to Exterminate that Government out of this Church and Kingdom, yet with their Usual Way they had wisely dissembled their Intentions; but now having as they conceived, by the Tumults which they found they were able to raise at their pleasure, gotten a strength able to stand by them and maintain them in all their Proceedings, they openly declared what their Intention was. For upon this day, as I have it from *Sir Edward Deering's* own Papers, being the Collection of his Speeches which himself published for his Vindication that he was no *Root and Branch man*, The Bill for Abolition of the present Episcopacy was pressed into his hand by *Sir Arthur Hasle- rig*, (being brought unto him by *Sir Henry Vane* and *Oliver Cromwell* Burgees for the Town of *Cambridge*, and not the University, as *Mr. Franklin* in his *Annals* has by mistake printed him.

May,
1641.

Tuesday,
May 18.
Tumults about the
Queen-Mo-
ther.

Earl of *Essex*
made Lord
Lieutenant of
Yorkshire.

Wednesday,
May 19.
Forreign Let-
ters to be o-
pened.

Disbanding
Armies.

Thursday,
May 20.

Sir Edward
Deerings Col-
lection of
Speeches,
Page 26.
A mistake of
Mr. Franklins
about *Oliver*
Cromwell's be-
ing Burgees
for the Uni-
versity of *Cam-*
bridg rectified.

Sir

May,
1641.

The Bill for
the utter abo-
lishing Epif-
copacy, &c.
brought in,
and Sir Edw.
Deering's
Speech upon
it.

Sir Arthur told him, he was resolved that it should go in, but was Earnestly Urgent that Sir Edward, then a Popular man, a Speech-maker and Favourite of the Faction, should present it; and it seems Sir Edward was willing to be made a Cats foot to this worthy *Triumvirate*; for, as he tells us, without any due consideration or deliberation upon so weighty a matter, the Bill did hardly stay in his hand so long as to make a hasty perusal; for whilest he was overiewing it, Sir Edward Aiscough delivered in a Petition out of *Lincolnshire*, which was seconded by Mr. Strobe, in such a sort, that having a fair invitemment to issue forth the Bill then in his hand, he immediately stood up and made this *Ex-tempore* Speech at the delivery of the Bill.

Mr. Speaker,

THE Gentleman that spake last taking notice of the multitude of Complaints and Complainants against the present Government of the Church, doth somewhat seem to wonder that we have no more pursuit ready against the persons Offending. Sir, the Time is present, and the Work is ready perhaps beyond his Expectation.

Sir, I am now the Instrument to present unto you a very short, but a very sharp Bill: such as these Times and their sad Necessities have brought forth. It speaks a free Language, and makes a bold Request. It is a Purging Bill.

I give it You as I take Physick, not for Delight, but for a Cure. A Cure now, the last and only Cure, if as I hope all other Remedies have been first tryed, then—*Immedicabile vulnus, &c. but cuncta prius tentanda*—I never was for Ruin, so long as I could hold any hope of Reforming. My hopes that way are even almost withered.

This Bill is intituled, An Act for the Utter abolishing and taking away of all Archbishops, Bishops, their Chancellors, and Commissaries, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Chanters, and Canons, and all other their Under-Officers.

Sir, You see their demerits have Exposed them *Publici odii piaculares victimas*. I am sorry they are so ill, I am sorry they will not be content to be bettered, which I did hope would have been Effected by our last Bill.

When this Bill is perfected, I shall give a sad Ay unto it. And at the delivery in thereof, I do now profess before-hand, That if my former hopes of a full Reformation may yet revive and prosper, I will again divide my Sence upon this Bill, and yield my Shoulders to underprop the Primitive, Lawful and Just Episcopacy: Yet so as that I will never be wanting with my utmost Pains and Prayers to Root out all the undue adjuncts and superstructures on it. I beseech you read the Bill, and weigh well the Work.

How little this unhappy Gentleman had considered of this Weighty Affair, and upon what slender convictions either of his own Conscience, or the real guilt of the Hierarchy, he Employed his Parts and Eloquence to persuade the Abolition of Episcopal Government, we have reason to believe not only from his own confession here, that he had scarcely hastily perused the Bill before he thus recommended it to the House, but from the sad Catastrophe of his Life.

For not long after, this very Gentleman who formerly with so much
applause

applause made that Motion in the House of Commons, That every one of the *Canon-makers* should with his own hands fire his *Canons* at the Barr of the House, notwithstanding those *Canons* were stamped with the Royal Authority vested in the King by the Oath of Supremacy, Yet falling into the disfavour of the Faction for some after-Speeches, and endeavouring his own Vindication, he so enraged the Party, that his Book of Speeches was ordered to be burnt by the hand of the Common Hangman; and being Expelled the House, he was forced, to avoid discovery and the fury of those Zealots whose Cause he so industriously asserted, to flie in the disguise and habit of a Priest, and to read Prayers in a Church. And not only so, but became an Earnest Suitor to his Majesty for a Deanery, viz. that of *Canterbury*, notwithstanding his bringing in this Bill against Deans and Chapters, and his bitter Invectives upon no other ground but report, as he then confessed. But being by the King justly denied this Preferment, he again turned Apostate to his Royal Master to whom he had fled for Sanctuary, indeavoured by mean submissions to reconcile himself to those whom he had called Rebels and Traytors; but being by them rejected also, he not long after Ended his Unfortunate Life in grief and contempt.

Neither was this rough procedure, from the Abuses of the Function had they been real, as most certainly they were false, to go about utterly to Abolish the Office, so well relished, but that divers of those who had hitherto sailed by the Compass of the Faction, began now to make a tack, and stand off from those dangerous Rocks upon which they saw if they pursued that Course, not only the Church, but even all Religion, and their own Consciences must inevitably suffer shipwrack; as appears by a Speech of Sir Benjamin Rudyard's, which I find in the Book of Speeches, and several others when the matter came to be debated at a Committee of the whole House.

Sir Benjamin Rudyard's Speech was, as there I find it Printed, as followeth.

Mr. Speaker,

I Do verily believe, that there are many of the Clergy in our Church, who do think the simplicity of the Gospel, too mean a Vocation for them to serve in: They must have a Specious, Pompous, Sumptuous Religion, with additionals of Temporal Greatness, Authority, Negotiation: Notwithstanding, they all know better than I, what Fathers, Schoolmen, Councels are against their mixing themselves in Secular Affairs.

This Roman Ambition, will at length, bring in the Roman Religion, and at last a haughty Insolence even against supreme Power it self, if it be not Timely and Wisely prevented.

They have amongst them, an Apothegm of their own making, which is, No Miter, No Scepter, when we know by dear experience, that if the Miter be once in danger, they care not to throw the Scepter after, to confound the whole Kingdom for their Interest.

And Histories will tell us, that whensoever the Clergy went High, Monarchy still went Lower: If they could not make the Monarch the Head of their own Faction, they would be sure to make him less: witness our Example for all, The Popes working the Emperor out of Italy.

Some of ours, as soon as they are Bishops adepto sine, cessat Motus, They will Preach no longer, their Office then is to Govern. But in my Opinion they Govern worse than they Preach, though they Preach not at all; for we see to what Pass their Government hath brought us.

In conformity to themselves, They silence others also, though Hierom in one of his

May,
1641.

Book of Speeches, pag. 103.

Sir Benjamin Rudyard's Speech about Episcopacy.

May,

1641.

Epistles saith, that even a Bishop, let him be of never so blameless a Life, yet he doth more hurt by his Licence, then he can do good by his Example.

Mr. Speaker, It now behoves us, to restrain the Bishops to the Duties of their Function, as they may never more hanker after heterogeneous extravagant Employments: Not be so absolute, so single and solitary in Actions of Moment, as Excommunication, Absolution, Ordination, and the like: but to joyn some of the Ministry with them, and further to regulate them according to the usage of Ancient Churches, in the best Times, that by a well-temper'd Government, they may not have Power hereafter, to corrupt the Church, to undo the Kingdom.

When they are thus circumscribed, and the Publick secur'd from their Eruptions, then shall not I grudge them a liberal, plentiful Subsistence: else I am sure they can never be given to Hospitality.

Although the calling of the Clergy be all glorious within, yet if they have not a Large, Considerable, outward Support, they cannot be freed from Vulgar Contempt.

It will alwaies be fit, that the flourishing of the Church should hold proportion with the flourishing of the Common-wealth, wherein it is. If we dwell in Houses of Cedar, why should they dwell in Skins? And I hope, I shall never see a good Bishop less worse than a Parson without a Gleab.

Certainly, Sir, this superintendency of Eminent Men, Bishops over divers Churches, is the most Primitive, the most spreading, the most lasting Government of the Church. Wherefore whilst we are earnest to take away Innovations, Let us beware we bring not in the greatest Innovation that ever was in England.

I do very well know, what very many do very fervently desire. But let us well bethink our selves, whether a popular Democratical Government of the Church (though fit for other Places) will be either sutable or acceptable to a Regal, Monarchical Government of the State.

Every Man can say, (It is so common and known a Truth) that suddain and great Changes both in Natural and Politick Bodies, have dangerous Operations: and give me leave to say, that we cannot presently see to the end of such a consequence, especially in so great a Kingdome as this, and where Episcopacy is so wrap'd and involv'd in the Laws of it.

Wherefore Mr. Speaker, my humble Motion is, that we may punish the present Offenders, reduce and preserve the Calling for better Men hereafter. Let us remember with fresh thankfulness to God, those glorious Martyr-Bishops, who were burn'd for our Religion in the Times of Popery, who by their Learning, Zeal, and Constancy, upheld and convey'd it down to us.

We have some good Bishops still, who do Preach every Lords-Day, and are therefore worthy of double Honour; they have suffered enough already in the Disease: I shall be sorry we should make them suffer more in the Remedy.

Mr. Bagshaw reports the Case of Mr. George Walker a Factious Minister, upon which it was

Resolved, &c. That Mr. George Walker's Commitment from the Council Board for Preaching a Sermon Oct. 14. 1638. at St. John the Evangelists London, and his detainment for the same 12 Weeks in Pecher the Messenger's hands, is against Law and the Liberty of the Subject.

Resolved, &c. That the prosecution of the said Walker in the Star-Chamber for preaching the said Sermon, and his Close Imprisonment thereupon for 10 Weeks in the Gatehouse, and the payment of 20 l. Fees to the said Pecher, is against Law and the Liberty of the Subject.

Resolved, &c. That the 5. passages marked out in the Sermon by Mr. Attorney and Sir John Banks, contained no Crime, nor deserved any Censure, nor be any punishment for them.

Resolved, &c. That the Enforcing the said Walker to enter into the Bond of 1000 l. for Confinement to his Brother's house at Cheswick, and his Imprisonment there is against Law.

Resolved,

Walker the
Factious Mi-
nisters Case
Reported.

Resolved, &c. That the Sequestration of the Parsonage of the said Walker by Sir John Lamb was done without any Warrant, and against the Law of the Land.

May,
1641.

Resolved, That Mr. Walker ought to be restored to his Parsonage, and the whole profits thereof from the time of the said Sequestration, and to have reparation for all such dammages as he hath sustain'd by these several Imprisonments, and his Case to be transmitted to the Lords.

Ordered, That the Bench of Lincolns Inn restore Mr. Pryn to his former Condition in that Society, according to his Antiquity, and to his Chamber there.

Order for Mr. Pryn to be restored to Lincolns-Inn.

Thus diligent was the Faction, not only to punish their Enemies, but relieve their Friends; though afterwards Mr. Pryn, as well as John Lilburn, another of their Favourites proved notable sticklers against them, as hereafter in these Collections will appear.

But though things ran thus down the stream, and that in the Commons House there was no stopping the impetuous Torrent, yet in the House of Lords it was far otherwise; for till they had got the Bishops out of the House, and into the Tower, and by Tumults and Affronts affrighted many of the Loyal Nobility from their Seats, they were not able to accomplish their work.

The Bill for disabling the Bishops to Sit and Vote in the House of Lords in Parliament, came too close to the Rights of the Temporal Lords, to be easily by them digested; for many of them plainly saw that the Bishops Sate and Voted there by the same Right, Law, Custom and Usage that they themselves did; and that should they consent to the taking away the Peerage of the Lords Spiritual, they must Sit there precariously themselves.

Upon the Debate of this Bill the Lord Grandison, Lord Viscount Newark made these two following Excellent Speeches.

Friday,
May 21.

My Lords,

I Shall take the boldness to speak a Word or two upon this Subject, First, as it is in it self, then as it is in the Consequence: For the former, I think he is a great stranger in Antiquity, that is not well acquainted with that of their sitting here, they have done thus, and in this manner, almost since the Conquest, and by the same Power, and the same Right the other Peers did, and your Lordships now do; and to be put from this their due, so much their due, by so many hundred Years strengthened and confirmed, and that without any Offence, nay Pretence of any, seems to me to be very severe; if it be *ju*, I dare boldly say it is *summum*. That this hinders their Ecclesiastical Vocation, an Argument I hear much of, hath in my apprehension more of shadow, then substance in it: if this be a reason, sure I am it might have been one six hundred Years ago.

Two Speeches of the L. Grandison Viscount Newark, concerning the Peerage of the Bishops, May 21 1641.

A Bishop, My Lords, is not so circumscribed within the circumference of his Diocess, that his sometimes absence can be termed, not in the most strict Sense a neglect or hinderance of his duty, no more than that of a Lieutenant from his County, they both have their subordinate Ministers, upon which their influences fall, though the distance be remote.

Besides, My Lords, the lesser must yield to the greater Good, to make wholesome and good Laws, for the happy and well regulating of the Church and Commonwealth, is certainly more advantageous to both, then the want of the personal execution of their Office, and that but once in three Years, and then peradventure but a Month or two, can be prejudicial to either. I will go no further to this, which experience hath done so fully, so demonstratively.

May,
1641.

And now, My *Lords*, by your Lordships good leave, I shall speak to the Consequence, as it reflects both on your Lordships, and my Lords the Bishops. Dangers and inconveniencies are ever best prevented *à longinquo*; this President comes neer to your Lordships, and such a one, *mutato nomine de vobis*. Pretences are never wanting, nay, sometimes the greatest Evils appear in the most fair and specious out-sides, witness the Ship-mony, the most abominable, the most illegal thing that ever was, and yet this was painted over, with colour of the Law; what Bench is secure, if to alledge, be to convince, and which of your Lordships can say then he shall continue a Member of this House, when at one Blow, twenty six are cut off? It then behoves the Neighbour to look about him, *cum proximus ardet Ucalegon*.

And for the Bishops, My *Lords*, in what condition will you leave them? The House of Commons represents the meanest Person, so did the Master his Slave, but they have none to do so much for them, and what Justice can tie them to the observation of those Laws, to whose constitution they give no Consent? the Wisdom of former Times, gave Proxies unto this House meerly upon this Ground, that every one might have a Hand in the making of that, which he had an Obligation to obey: This House could not represent, therefore Proxies in Room of Persons were most justly allowed.

And now, My *Lords*, before I conclude, I beseech your Lordships, to cast your Eyes upon the Church, which I know is most dear and tender to your Lordships, you will see Her suffer in Her principal Members, and deprived of that Honor, which here, and throughout all the Christian World, ever since Christianity, She constantly hath enjoyed; for what Nation or Kingdome is there, in whose great and publick Assemblies, and that from Her beginning, She had not some of Hers, if I may not say as Essential, I am sure I may say, as Integral Parts thereof? and truly my Lords, Christianity cannot alone boast of this, or challenge it only as Hers, even Heathenisme claims an equal share.

I never read of any of them, Civil, or Barbarous, that gave not thus much to their Religion, so that it seems to me to have no other Original, to flow from no other Spring than Nature it self.

But I have done, and will trouble your Lordships no longer, how it may stand with Honor and Justice of this House to pass this Bill, I most humbly submit unto your Lordships, the most proper and only Judges of them both.

The second Speech about the lawfulness and conveniency of their intermed- ling in Temporal Affairs.

My Lords,

I Shall not speak to the Preamble of the Bill, that Bishops, and Clergy Men ought not to intermedle in Temporal Affairs. For, truly my Lords, I cannot bring it under any respect to be spoken of. *Ought*, is a Word of Relation, and must either refer to Humane or Divine Law: to prove the lawfulness of their intermedling by the former, would be to no more purpose, than to labour to convince that by Reason, which is evident to Sense. It is by all acknowledged. The unlawfulness by the latter, the Bill by no means admits of, for it excepts Universities, and such Persons as shall have Honor descend upon them. And your Lordships know, that circumstance and chance alter not the Nature and Essence of a thing, nor can except any particular from an universal Proposition by God himself delivered. I will therefore take these two as granted, first that they ought by our Law to intermedle in Temporal Affairs, secondly, that from doing so they are not inhibited by the Law of God, it leaves it at least as a thing indifferent. And now my Lords, to apply my self to the business of the Day, I shall consider the conveniency, and that in the several Habitudes thereof, but very briefly; first, in that which it hath to them meerly

ly as Men, *qua tales*; then as parts of the Common-wealth: Thirdly, from the best manner of constituting Laws, and lastly, from the practice of all times both Christian and Heathen.

Homo sum nihil humanum à me alienum puto, was indeed the saying of the Comedian, but it might well have becom'd the Mouth of the greatest Philosopher. We allow to sense all the Works and Operations of Sense, and shall we restrain Reason? Must onely Man be hindred from his proper Actions? They are most fit to do reasonable things that are most reasonable. For, Science commonly is accompanied with Conscience; So is not Ignorance: they seldome or never meet. And why should we take that capacity from them, which God and Nature have so liberally bestowed?

My Lords, the Politick body of the Common-wealth is analogical to the Body natural: every Member in that contributes something to the constitution of the whole, the superfluity or defect which hinders the performance of that duty, your Lordships know what the Philosopher calls *ἀμαρτίαν τῆς φύσεως*, Natures sin. And truely my Lords, to be part of the other Body, and do nothing beneficial thereunto, cannot fall under a milder Term. The Common-wealth subsists by Laws and their Execution: and they that have neither Head in the making, nor Hand in the executing of them, confer not any thing to the being or well-being thereof. And can such be called Members, unless most unprofitable Ones? only *fruges consumere nati*.

Me thinks it springs from Nature it self, or the very depths of Justice, that none should be tied by other Laws than himself makes, for what more Natural or Just, than to be bound only by his own Consent? To be ruled by anothers Will, is meerly Tyrannical. Nature there suffers Violence, and Man degenerates into Beast. The most flourishing Estates were ever governed by Laws of an universal Constitution; witness this our Kingdom, witness *Senatus Populusq; Romanus*, the most glorious Common-wealth that ever was, and those many others in Greece, and elsewhere, of eternal Memory.

Some things, My Lords, are so evident in themselves, that they are difficult in their Proofs. Amongst them I reckon this inconveniency I have spoken of: I will therefore use but a Word or two more in this Way. The long experience that all Christendom hath had hereof for these 1300 Years, is certainly, *argumentum ad hominem*. Nay, My Lords, I will go further (for the same Reason runs thorow all Religions) never was there any Nation that employed not their religious Men in the greatest Affairs. But to come to the Business, that lies now before your Lordships, Bishops have voted here, ever since Parliaments began, and long before were imployed in the Publick. The good they have done, your Lordships all well know, and at this day enjoy: for this I hope ye will not put them out, nor for the evil they may do, which yet your Lordships do not know, and I am confident never shall suffer. A position ought not to be destroyed by a supposition, & *à posse ad esse non valet consequentia*. My Lords, I have done with proving of this positively, I shall now by your good Favors do it negatively, in answering some Inconveniencies that may seem to arise.

For the Text, *No Man that Wars, intangles himself with the Affairs of this Life*, which is the full Sense of the Word, both in Greek and Latine, it makes not at all against them, except to intermedle and intangle, be Terms equivalent. Besides, My Lords, though this was directed to a Church-man, yet it is of a general Nature, and reaches to all, Clergy and Laity, as the most learned and best expositors unanimously do agree. To end this, *Argumentum symbolicum non est argumentativum*.

It may be said that it is inconsistent with a Spiritual Vocation; truely, My Lords, Grace and Nature are in some respects impossible, but in some others most harmoniously agree, it perfects Nature, and raises it to a heighth above the common Altitude, and makes it most fit for those great Works of God himself, to make Laws, to do Justice. There is then no inconsistency between themselves, it must arise out of Scripture, I am confident it doth not formally out of any Place there, nor did I ever meet with any learned Writer of these or other times, that so expounded any Text.

May,
1641.
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Object. 1.

Object. 2.

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Object. 3.

But though in strict Terms this be not inconsistent, yet it may peradventure hinder the duty of their other calling. My Lords, there is not any that sits here, more for preaching than I am. I know it is the ordinary means to Salvation, yet, I likewise know, there is not that full necessity of it, as was in the Primitive Times. God defend that 1600 Years acquaintance should make the Gospel of Christ no better known unto us. Neither, My Lords, doth their Office meerly and wholly consist in Preaching, but partly in that, partly in Praying, and administering the Blessed Sacraments, in a Godly and exemplary Life, in wholesome Admonitions, in Exhortations to Vertue, dehortations from Vice, and partly in easing the burdened Conscience. These, My Lords, compleat the Office of a Churchman. Nor are they altogether tied to time or place, though I confess they are most properly exercised within their own Verge, except upon good Occasion, nor then the Omission of some can be termed the breach of them all. I must add one more, an essential one, the very Form of Episcopacy, that distinguisheth it from the Inferiour Ministry, the orderly and good Government of the Church, and how many of these, I am sure, not the last, My Lords, is interrupted by their sitting here, once in 3 Years, and then peradventure but a very short Time: and can there be a greater Occasion than the common good of the Church and State? I will tell your Lordships what the great and good Emperor *Constantine* did, in his expedition against the *Persians*, he had his Bishops with him, whom he consulted with about his Military Affairs, as *Eusebius* has it in his life, *Lib. 4. c. 36*.

Object. 4.

Reward and Punishment are the great Negotiators in all Worldly Businessses; these may be said to make the Bishops swim against the Stream of their Consciences, and may not the same be said of the Laity? Have these no Operations, but only upon them? Has the King neither Frown, Honor, nor Offices, but only for Bishops? Is there nothing that answers their Translations? Indeed, My Lords, I must needs say, that in Charity, it is a supposition not to be supposed; no, nor in Reason, that they will go against the Light of their understanding. The holiness of their Calling, their Knowledge, their Freedoms from Passions and Affections to which Youth is very obnoxious, their vicinity to the Gates of Death, which, though not shut to any, yet always stand wide open to old Age: these, My Lords, will surely make them Steer aright.

But, of matter of Fact, there is no disputation, some of them have done ill, *Crimine ab uno disce omnes*, is a Poetical, not a Logical Argument. Some of the Judges have done so, some of the Magistrates and Officers; and shall there be therefore neither Judge, Magistrate nor Officer more? A personal Crime goes not beyond the Person that commits it, nor can anothers Fault be mine Offence. If they have contracted any Filth or Corruption through their own, or the Vice of the Times, cleanse and purge them thorowly. But still remember the great difference between Reformation and Extirpation. And be pleased to think of your Triennial Bill, which will save you this labour for the time to come; fear of punishment will keep them in order, if they should not themselves through the love of Vertue. I have now, My Lords, according to my poor Ability, both shewed the Conveniences, and answered those Inconveniencies that seem to make against them. I should now propose those that make for them. As their falling into a Condition worse then Slaves, not represented by any; and then the dangers and inconveniences that may happen to your Lordships; but I have done this heretofore and will not offer your Lordships *Cramben bis coctam*.

In the Commons House the Affair of the Captives at *Algiers* fell under debate, and produced these following Votes.

Votes about
the Captives
at *Algiers*.

Resolved, &c. That his Majesty be moved to send at the Charges of the Merchants some fit person to the Grand Seignior, to demand the English Captives in Algiers, and other the Turkish Dominions.

Resolved, &c. That in some convenient time a Fleet of Twenty Ships and Pinnaces be sent to Algiers to assail the Town and their Ships, if the Captives be not delivered upon the demand of them.

Resolved,

Resolved, &c. That the Book of Rates being settled, One per Cent. be laid upon Trade over and above the Sums in the Book, to be collected and imployed by Commissioners to be appointed by the Parliament for this special Use, and continue so long as the Parliament shall think fit.

May,
1641.

A Message was brought to the Lords by Mr. Secretary Vane to let their Lordships know, that the Select Committee of their House have Reported what was yesterday done at the meeting with the Select Committee of Lords. Thereupon the House of Commons having taken the business into Consideration; have

Conference
about the
Scots.

Resolved, &c. That the whole Arrear of 120000 l. be presently paid to the Scots, out of which the due Debts of the Counties are to be deducted, and for the Brotherly assistance of 300000 l. it shall be settled and secured by the Kingdom to them.

Resolved, &c. That if the deductions may withdraw more Moneys than the Scots can spare from the Disbanding, then the whole 120000 l. shall be allowed them for the Disbanding, and the Debt of the Counties be taken upon the Kingdom for the present, and be first paid out of the Brotherly assistance.

Resolved, &c. That when the Treaty shall be fully Concluded, and Publick Faith given for Peace, and Security for Mony, both the Armies may be Disbanded by degrees as mony shall come in.

Resolved, &c. That the Committee shall have power to present these Heads to the Lords Commissioners to treat with the Scots.

Likewise the House of Commons desired, that a meeting might be between the Lords Commissioners and the Scots Commissioners this Afternoon at four of the Clock, and propound these Resolutions unto them. All which the Lords assented to.

The greatest part of this day was spent by the Commons in the Debate of the *Scottish* Articles.

Fifty Thousand Pounds, and Sixty Thousand Pounds formerly lent by the City, was this day desired to be continued a Year and a half longer, with promise to be repaid out of the four hundred thousand pounds, voted to be raised for payment of the debts of the Kingdom.

The Bill concerning the Bishops was this day Debated in the House of Lords, and after a long and serious Debate, the House was Reassumed, and it was

Resolved upon the Question, That the Arch-Bishops and Bishops shall have Suffrage and Voice in the House of Peers in Parliament.

Resolved, &c. That the Arch-Bishops and Bishops shall not have Suffrage and Voice in the Court of Star-Chamber when they are called.

Upon the further Debate of the Bill about Bishops, it was this day further

Resolved, &c. That no Arch-Bishop or Bishop, or other Person in Holy Orders shall be Justices of the Peace.

Resolved, &c. That no Arch-Bishop or Bishop, nor other Persons in Holy Orders shall be of the Privy Council to the King, or to his Successors.

The

Saturday,
May 22.
Monday,
May 24.
Money borrowed of the City desired to be continued, Votes about the Bishops Bill in the Lords House.

May,
1641.
Tuesday,
May 25.
Customers of-
fer 100000 l.
For an Act of
Oblivion.

The Commons fell this day upon consideration of the Customers, but before they came to any Vote Mr. Pym made a motion for them, offering a Hundred Thousand Pounds composition, provided they might have an Act of Oblivion, but the proposition being rejected by the House, it was Voted,

Resolved, &c. That all Collections of any Sums of Money by colour of Subsidies, Imposts or Aids upon any Merchandize whatever, not granted by Parliament, are against the Law and Liberties of the Subject.

Resolved, &c. That all such persons as have Collected any such Sums of Money under colour of Subsidy, Imposts or Aid upon any Merchandise whatever, not granted by assent in Parliament, are Delinquents.

Wednesday,
May 26.
The Vintners
Case against
Abel and Kil-
vert.

The Complaint of the Vintners against Alderman Abel, and Mr. Kilvert, for taking one peny per Quart upon all French Wines, and two pence per Quart upon Spanish Wines, was this day debated in the House of Commons, and upon the Debate voted Illegal, and a Bill Ordered to be brought in against the said Alderman Abel, and Mr. Kilvert.

The Custom-
ers Petition
for an Act of
Oblivion,
and to pay
100000 l. in
a Month.

The Customers Sir Paul Pindar, Sir Abraham Daws, Sir John Worstenholm, and Sir John Jacob Petitioned the House for an Act of Oblivion, whereupon it was

Resolved, &c. That one hundred and fifty thousand pound offered by the Petitioners in satisfaction of their Delinquency to the Common-wealth, shall be accepted; they paying the Money within one Month, as was expressed in their Petition, and an Act of Oblivion to be passed, according to certain Limitations made in the Report.

The Limitations were, *That all those who had suffered damage by the Customers, either in Goods or otherwise, might notwithstanding this Composition take their remedy at Law for Reparation. And that the petty Customers should also come in upon Composition, and then have the benefit of the Act of Oblivion.*

An Order was also sent to the Master and Wardens of the Company of Vintners, to command that notice be given to the whole Company, that the Patent of Abel and Kilvert being Voted Illegal, they should sell their Wines as formerly, viz. French Wines at Six-pence per Quart, and Spanish Wines at Twelve-pence the Quart.

Several pri-
vate Bills pass-
ed by Com-
mission.

This day a Commission was presented to the House of Lords, directed to the Lord Privy Seal, Lord Great Chamberlain, and to Earl Marshal, or any two of them, to give the Royal Assent to three private Bills, viz. One Entituled, *An Act to enable the Marquess of Winton to grant Estates for three Lives, or 21 years, &c. of Lands in the County of Southampton, &c. reserving the old Rents.* Another Entituled, *An Act for Naturalization of Dorothy Spencer, Daughter of Henry Lord Spencer Baron of Wormleighton.* And the third, Entituled, *An Act for the enabling a Sale, and Leasing of Lands for payment of the Debts of Thomas late Earl of Winchelsea.*

The Lords Commissioners in their Robes sitting upon a Form set across the House, between the State and the Keeper's Woolfack, the House of Commons being sent for came with their Speaker; then the Clerk of the Parliament presented upon his knee the Commission unto the Lords Commissioners, and the Lord Privy Seal after he had acquainted the

the Peers, and the House of Commons with his Majesties pleasure herein, he delivered the Commission to the Clerk of the Parliament, who carried it to his Table and read it, which being done, the Clerk of the Crown read the Titles of each Bill severally; after which the Clerk of the Parliament pronounced the Royal Assent severally, and then the Commons returned to their own House.

The Commons being returned, Mr. *Taylor* a Barrister, and Burges for the Burrough of Old *Windsor*, was expelled the House, and Voted incapable of ever being a Member of Parliament, to be committed Prisoner to the Tower, during the pleasure of the House; to be carried down to *Windsor*, there to make publick Recantation of what he had spoken, and from thence to be returned back to the House of Commons to receive further Sentence. And it was Ordered, That a Writ should be presently issued out for a new Election in his Room.

The words for which he was Expelled, and thus severely treated, were attested by *John Hall* Mayor of *Windsor*, Mr. *Broughton* and Mr. *Waller*, That Mr. *Taylor* should in discourse about the death of the Earl of *Strafford*, say, *That the House of Commons had not his Vote to the Bill of Attainder against Thomas Earl of Strafford; for that to do it before the Lords had finished the Trial upon the Articles of Impeachment Exhibited by the Commons against him, was to commit murthber with the Sword of Justice.*

An Act for the utter abolishing and taking away of Arch-Bishops, Bishops, their Chancellours and Commissaries, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Chanters and Canons, and other Under-Officers out of the Church of *England* was read the first time; and upon the debate of the House for a second reading the House was divided, *Yeas* 139, *Noes* 108, so the Bill was read the second time, and committed to a Committee of the whole House.

A Bill was also read the first time for granting to his Majesty the Duty of Tonnage and Poundage, and a second time in the Afternoon.

This day *Holmer* the Printer, who was committed to the Gate-house for printing an Elegy upon the Earl of *Strafford*, which then were called scandalous Verses, was admitted to Bail.

An Estimate of the Debt of the Kingdom was this day brought into the House, by the state of which Account it appeared, That there was a Debt of seven hundred seventy three thousand nine hundred pounds due to the two Armies, the City, and several private persons, who had lent mony upon Parliamentary Credit; which brought on the Consideration of the Bill for Raising Mony and Disbanding the Armies, which was read a second time.

Mr. *Rigby* Reports the Bills for taking away the High Commission Court, and against Pluralities with the Amendments, which were both Ordered to be engrossed.

Little of moment passed this day in the Commons House, most of it being spent in debates about Raising Mony to defray the great Debt into which the Kingdom was plunged, by the coming in of the *Scottish* Army to be assistant in the Glorious Reformation of Religion, and Establishment of the Subjects Liberty, for which guilded Words the Nation was to part with their real Treasure: And it was but an untoward Omen how expensive these great Patriots were like to prove for the future, who began so early to shew the People, that little less than a Mil-

May,
1641.

Thursday,
May 27.
Mr. *Taylor* Bur-
ges for *wind-*
for expelled
the House.

Bill for Root
and Branch
read twice.

Bill for Ton-
nage & Poun-
dage read
twice.
Holmer the
Printer bailed.

Friday,
May 28.
The state of
the publick
Debts.
Bill for raising
mony and dis-
banding the
Armies read a
second time.
Bills against
H. Commission
Court and Plu-
ralities engros-
sed.

Saturday,
May 29.

May,

1641.

Several Lords
examined a-
bout the Con-
spiracy of the
Army.

lion of Mony must be laid down as the Earnest for this imaginary purchase.

It was this day Ordered, *That the Earls of Newcastle and Carnarvan, and the Lord Bishop of Chichester shall be attended with this Order, and that their Lordships be desired to repair unto the Lords Committees appointed by this House to take the Examinations concerning certain late practises concerning the Army in the North, at Two of the Clock this Afternoon at the Lord Keeper's Lodgings near the Parliament House, to be examined by them.*

Nash and Kyn-
nahton's Case
determined In
a Writ of Er-
ror.

A Case having been depending between *Thomas Nash*, and *Charles Kynnahton* about Errors in a Writ of Error, and Council having been fully heard at the Bar of the Lords House on both sides, their Lordships Voted the said Errors, alledged by the Plaintiff *Nash*, to be frivolous, and thereupon awarded the following Order upon it.

In Suprema Curia Domini Regis Parliament'

*Inter Thomam Nash Quer' & Carolum Kynnahton Defendentem in placi-
to transgr' & ejectionis Firmæ.*

Super quo visis premissis & per Cur' Parliament' Domini Regis nunc hic diligent' Examinat' & plenius intellectis tum Record' & Process' predict' ac Judic' predict' super eisdem Reddit' quam predict' Causa pro Errore predict' Thom' in Forma predict' assignat' & allegat' videtur, predicta suprema Curia Parliament' hic quoad Record. predict' in nullo vitiosum aut defectivum existit at quod in Recordo illo in nullo est errat'; Ideo Consideratum est quod judicium predictum in omnibus affirmetur & in omnibus suo robore & effectu stet & remanet dicta Causa pro Errore superius assignat' aut allegat' in aliquo, non obstante super quo Record. & processum predict' necnon process' predict' Curia Parliamenti ibidem in premissis habit' è predict' Curia Parliamenti coram Domino Rege ubicunque, &c. per predict' Cur' Parliamenti Remittentur, ac predictus Carolus in Curia Domini Regis coram ipso Rege habeat Executionem judicii predicti versus prefatum Thomam juxta formam & effectum judicii illius predict' Breve de Errore & super' inde non obstante.

Subscribed by the Clerk of the Parliament, and delivered to the Defendant in the Writ of Error 29 May 1641. to be remitted into the King's-Bench, that Execution may be had upon the Judgment.

Monday,

May 31.

Bills for taking
away the Court
of Star-Cham-
ber and regula-
ting the Coun-
cil Board in-
grossed.

Tuesday,

June 1.

Votes about
the Petty Far-
mers of the
Customs.

Mr. *Prideaux* reports the Bill for taking away the Jurisdiction of the Court of Star-Chamber, as being contrary to Law, and tending to the bringing in of Arbitrary Government; as also a Bill for regulating the proceedings of the Council-Board; upon which they were ordered to be ingrossed.

The House fell this day upon the business of the petty Farmers of the Customs Sir *Nicholas Crisp*, Sir *John Nulls*, Sir *John Harrison*, &c. and upon the Debate it was

Resolved, &c. That the Petty Farmers of the Customs, taking above three pence in the pound of Merchants Strangers, and others of the King's Subjects, more then by Law allowed, is Illegal.

Resolved,

Resolved, &c. That the said Petty Farmers for taking above the said three pence in the pound, are Delinquents.

Resolved, &c. That the said Petty Farmers are for the said offence liable and ought to make restitution.

Notwithstanding which in favour of Sir John Harrison,

Resolved, That Sir John Harrison a Member of the House, in regard of his great service in advancing forty thousand pounds, shall not be prejudiced as to his sitting in the House.

Sir John Strangeways moved in the behalf of himself and the 59 that Voted against the Bill of Attainder of Thomas Earl of Strafford, that there might be some order taken for their security, for that they went in fear of their Lives, daily affronts, and great abuses being put upon them by licentious people, who resorted about the Parliament House. But these mighty asserters of the Priviledges of Parliament, one of the greatest whereof is freedom of Speech and liberty to Vote according to a Man's Conscience, thought not fit in this Case to assert their Priviledge, but to leave these worthy Gentlemen at the mercy of the Rabble, who were by no means to be disoblighd, there being further occasion to make use of their Tumultuary Insolence in order to their thorough Reformation.

This day Mr. Tayler presented his Petition, desiring to be restored upon his submission, but it was rejected.

A Debate arising about ways for raising of Mony, a Motion was made, That in regard Mony could not be procured so suddenly as the present necessity of Affairs required there might be some Expedient thought on to bring in the Plate of the Kingdom to the Mint, and it was referred to a Committee to consider of it, and what way it might be done.

The Bill for Regulating the Clerks of the Market being Reported, was Ordered to be Ingrossed.

Mr. Pierrepont Reports the Conference with the Lords, concerning the Bill for disabling Bishops to Vote in the House of Peers.

That their Lordships conceive that the Commons understand not unlawfulness to have any Votes there, to mean to be contrary to any Law, but of convenience or inconvenience; because if they had thought it absolutely unlawful, they would not have made Exception of the Universities, and of such of the Nobility as should happen to be in Holy Orders.

And for the Bishops Right to Sit and Vote in Parliament, their Lordships conceive, that both by the Common Law, Statutes, and constant practice, there is no question of it.

As for inconveniencies, their Lordships did not yet Understand any such, that might induce them to deprive the Bishops and their Successors of the Right of voting in Parliament, but if there be such, which they yet know not, they will be willing to hear them, and take it into Consideration.

For their Votes in the Star-Chamber, Council Table, or any Office in Secular Affairs, they have fully consented to the desires of the Commons.

Their Lordships have Excepted the Dean of Westminster, as being a Corporation confirmed by Act of Parliament, Sexto Eliz. As also that of Durham, Ely and Hexam, and the several Jurisdictions of those Bishops,

June,
1641.

Wednesday,
June 2.

Motion to
bring in Plate
to be Coined.

Bill for the
Clerk of the
Market ingrossed.

Thursday,
June 3.

Report of the
Conference
with the Lords
about the Bishops Bill.

June,
1641.

Bill for Disarming Recusants, ingrossed.
Bill against New Canons Read first time.

Friday, June 4th.
Report of Sir John Corbet's Case.

Answers to the Lords Reasons for Bishops Voting in Parliament.

to keep Courts-Baron there by their Stewards, &c. And all other Courts Executed by Temporal Officers, which their Lordships conceive not to be contrary to this Bill.

After which the Bill for disarming Recusants being reported, was ordered to be ingrossed.

Then a Bill for the making void of certain Canons and Constitutions Ecclesiastical lately made, and for the punishment of such Prelates and others as were the framers and makers of them, was read the first time.

The House then Entred upon the consideration of the Scottish Articles, some of which were assented to.

Sir Thomas Widdrington reports the Case of Sir John Corbet, upon which these Votes passed.

Resolved, &c. That the Imposition of 30 l. per annum laid upon the Subjects of the County of Salop for the Muster-Masters Fee by the Earl of Bridgwater Lord Lieutenant of that County, is an Illegal Charge, and against the Petition of Right; and that it is high presumption for a Subject to impose any Tax upon the Subject, and that the taking it, is an Extortion against the Right of the Subject.

Resolved, &c. That the Attachment from the Council Board by which Sir John Corbet was committed, was an Illegal Warrant.

Resolved, &c. That Sir John Corbet ought to have Reparation for his unjust vexation and imprisonment.

Resolved, &c. That the Earl of Bridgwater ought to make Sir John Corbet reparation.

Resolved, &c. That the House thinks fit that the Attorney General take the Information in the Star-Chamber against Sir John Corbet off the File, and that he take some Course that the Bond which he entred into to attend the Suit at the Hearing, be delivered unto him.

Resolved, &c. That the Lords and others of the Privy Council whose hands are at the Warrant for the Commitment of Sir John Corbet, ought to joyn in this Reparation, viz. the Archbishop of Canterbury, Lord Coventry, Archbishop of York, Earl of Manchester, Lord Cottington, Edw. Lord Newburgh, Sir Henry Vane, Sir Francis Windebank.

Then the House took into Consideration the Reasons which the Lords had offered at the Conference concerning the Bishops having Votes in Parliament, and it was agreed to offer these Reasons in Answer to them.

(1.) *The Commons do conceive that Bishops ought not to have Votes in Parliament, First, Because it is a very great hinderance to the Exercise of their Ministerial Function.*

(2.) *Because they do vow and undertake at their Ordination when they enter into Holy Orders, That they will give themselves wholly to that Vocation.*

(3.) *Because Councils and Canons in several Ages do forbid them to meddle in Secular Affairs.*

(4.) *Because the 24 Bishops have dependency on the two Archbishops by their Oath of Canonical Obedience to them.*

(5.) *Because they are but for their Lives, and therefore are not fit to have Legislative power over the Honors, Inheritances, Persons and Liberties of others.*

(6.) *Because*

June,

1641.

(6.) Because of Bishops Dependancy and Expectancy of Translation to Places of greater Profit.

(7.) Because that several Bishops have of late much Encroached upon the Consciences and Liberties of the Subject, and they and their Successors will be much Encouraged still to Encroach, and the Subjects will be discouraged from complaining against such Incroachments, if Twenty six of that Order be to be Judges upon those Complaints. The same Reason Extends to their Legislative Power in any Bill to pass for Regulation of their Power upon any emergent inconvenience by it.

(8.) Because the whole number of them is interested to maintain the Jurisdiction of Bishops which hath been found so grievous to the Three Kingdoms, that Scotland hath abolished it, and Multitudes in England and Ireland have Petitioned against it.

(9.) Because the Bishops being Lords of Parliament, it setteth too great a distance between them and the rest of their Brethren in the Ministry, which occasioneth Pride in them, Discontent in others, and Disquiet in the Church.

To their having Votes a long time,

If inconvenient, Time and Usage are not to be considered with Law-makers, and some Abbots voted as anciently in Parliament as Bishops, yet taken away.

That for the Bishops Certificate to plenarty of Benefice and Loyalty of Marriage, the Bill Extends not to them, the Bishops making return of them by Course of Common Law.

That Argument taken from the Canons and Laws Ecclesiastical, must be considered as a fight against the Bishops with their own Weapon, as a kind of Goliath's Sword to cut off Goliath's head; but not as though the House of Commons did hereby Justifie the Legality of any thing of that Nature.

That for the Proviso for the Universities and Temporal Lords, it may stand in the Bill if it please their Lordships.

It was added, That there is an ACT preparing for the Regulating of the Universities, and this Proviso is but permitted to remain there by way of Provision till that be Effected.

For the Secular Jurisdiction of the Dean of Westminster, the Bishops of Durham and Ely, and the Archbishop of York, if they are to Execute them in their own persons, the former Reasons shew the inconvenience of them; and for the Temporal Courts and Jurisdictions which are Executed by their Temporal Officers, the Bill doth not concern them.

How deeply Guilty these Anti-Episcopal Grandees of the Faction were of Hypocrisie and Collusion, this Passage makes clearly apparent: for, whereas by the Bill upon which this Conference with the Lords was had, and for the supporting of which, these Reasons were Framed, they seemed only to desire that the Bishops might not Sit and Vote in the Lords House as Peers of the Realm, and not to take away the Office or Function, they had at that very instant, as the Reader by casting his Eye but a little backward, may see, a Bill before them, for the utter Abolition and Extirpation of the Office it self, with all its appennages, commonly known by the name of the *Root and Branch Bill*.

It is not my Province to descend into so great a Field of Controversie as these Reasons against the Bishops Votes, would afford a Pen of Greater Leizure; however, because these Papers may fall into some hands, who

This Passage is in the Report of this Conference in the Lords Journal, but not in the Commons. They Judged these Canons not binding, so did the Bishops too, yet they must be lawful against them.

The deep Hypocrisie of the Grandees of the Anti-Episcopal Faction,

June,
1641.

who may not be so well Antidoted against the well gilt Poyson, I will adventure to give them some short strictures.

And therefore First, the Reader is to Consider in general, That the Lords Spiritual being by the Common Law of this Realm Peers in Parliament, and by the Statute Law declared to be one of the Three Estates of the Kingdom, if any such Inconveniencies as are here objected against them, were sufficient ground for the abolition of them, and consequently altering the Frame of the Government; then *Paritate Rationis* it would follow, That the like or greater inconveniencies would be a sufficient ground for the utter abolishing or taking away of either or both the other Two Estates, *viz.* The Lords Temporal and Commons; which Assertion evidently destroyes the Being and Foundation of Parliaments, which sure no *Englishman* can without Horror and Detestation hear. And indeed this very Consequence led these very Persons afterwards to Vote the House of Lords *Useless and Dangerous*, and wholly to lay them aside, and divest them of all the Priviledges of their Peerage in Parliament; to the utter Subversion of the Ancient Frame of the Government.

Nor indeed were these Inconveniencies, which they represent here as so Formidable and Dangerous, of any weight or moment in themselves. For as to the First, *The hinderance of the exercise of their Ministerial Function.* The very share they have in preparing Laws, and giving their Assent to them in that Station, is one of the most weighty parts of their Episcopal Function, to take Care that such Laws may be made in a Christian Kingdom, as may be for the Glory of God, the Advancement of true Piety, and the Well Government of the Church. And for any other parts of their Office, though they should not be so well able to perform them during the times of Session of Parliaments (which yet for any thing made appear to the contrary they may do), Yet, the great necessity and advantage of their Legislative Right, may very well give a dispensation to the omission of the less necessary Offices of their Function for so small a time, as the Sessions of Parliament Used to be, till these Men obtained of the King that perpetuating *ACT*, of which it may truly be said, That thereby he gave them leave to put Royal Manacles upon Majestie, and an opportunity after having bound him, to despoil him of his Crown and Life.

But besides, if there were any weight in this Reason, it must always have had the same force and strength against Ecclesiasticks in any Age, or Under any Government intermeddling in Secular and Civil Affairs; since it could not but be as much a hinderance to those of former Ages in the Exercise of their Ministerial Function as to these. But the constant Usage of all Ages, Places, Times, and Nations, both Barbarous and Civil, Pagan, Jew, and Christian, manifest, that the Universal Wisdom of Mankind has been of a Contrary Opinion: Religious Persons, having ever had an Extraordinary Deference paid them, and having always been accounted Worthy for their Abilities, Wisdome, Learning and Integrity, to be admitted into the Councils of Princes; and having constantly had a great share and interest both in the framing Laws, and managing the Civil Politics and Governments of Nations.

And more particularly the Sacred History gives us a clear account, that in the Government of the *Jewish* Nation formed by God himself, the chief Priest was not only the Supreme Governor of that People, as well

well in things Sacred as Civil, but the inferior Priests under him were the Judges of Temporal as well as Ecclesiastical matters brought before them; and the same Objection lying as naturally and forceably against them as against these, cannot Excuse these Objectors from affronting the Wisdom of the Divine Legislator, who Expressly Ordered it to be so; and truly it is but in other Words the Objection of *Corah* and his Accomplices, against *Moses* and *Aaron*, *Ye take too much upon you ye Sons of Levi*.

June,
1641.

To the Second, which is the Solemn promise they who Enter into Holy Orders make, *That they will give themselves wholly to that Vocation*. The clear sense of that is, That they will principally apply themselves to the Duties of their Calling, and not to any Secular Employments, as Husbandry, Merchandizing, or other Mechanical Callings, so as to hinder the performance of their Duty in the Offices of their Function; which, as before I have shewed, the Bishops by Sitting and Voting in Parliament, cannot be said to do. And to make this Evident, I will give a clear instance in the inferior Clergy: for suppose any one of them by his frugal Parsimony hath got a Sum of Mony, he may lawfully bargain, purchase, take and keep, a Temporal Estate for the future subsistence of his Family; he may lawfully Lett, Sett, Build, Lease, Receive Rents for such Estate, or any one descending to him by Inheritance, and manage it to his best advantage, without the least danger of violating or intrenching upon this promise made at his Ordination; and yet all these are Secular Affairs, which he may do without prejudice to his ingagement, so long as still he makes the Vocation which he undertook at his receiving Holy Orders the main scope of his Life and Actions; and I think none will deny, I am assured no person will be able to prove the contrary, but that the Bishops, notwithstanding the use of their Peerage, yet make the Exercise of their Episcopal Function the main and principal business of their lives.

And so for the Third, *That Canons and Councils in several Ages do forbid them to meddle in Secular Affairs*. It is well known, that even those who made those Canons were themselves at the same time Counsellors to Princes, and particularly that Arch-Bishop who made the Constitutions of *Westminster* mentioned by *Linwood*, upon which these People were perpetually harping, was a Peer, who himself sate in Parliament, and of the King's Privy Council; from which it is evident, that by those Canons there was no design to intrench upon the Peerage of the Bishops, but to prevent the inferiour Clergy from neglecting their Duty, and entring upon the more gainful and tempting employs of Secular Persons; besides that, those Canons since the Reformation were not binding either to Bishops or Clergy.

As to the Fourth, Fifth, Sixth, Seventh Reasons, they are rather sly Insinuations and Calumnies than Reasons, and such as having no substantial matters in them worth answering, I shall therefore pass them over, without any further notice, then, that admitting all for Truth there Objected, which yet was most notoriously False, yet they are but personal Crimes, and therefore in Justice could only reach to those particular Bishops, but not to the Function it self, or the Successors of those Bishops; and if personal failings had been a ground to disable the Members of Parliament from the Right of sitting and voting in that Assembly, both for the present and future Succession, 'tis not impossible to be supposed, but that a far greater number would for ever have been excluded

June,
1641.

cluded out of the Commons House, then these 26 Bishops out of the House of Peers.

And for the Eighth, which is partly made up of Calumny, and partly of the Example of *Scotland* in abolishing Episcopacy, it is certainly the worst way of Reasoning in the World to argue a *facto ad jus*. And the way of Tumults, Treason, and actual levying War against their undoubted Lawful Sovereign, by which they got Episcopacy abolished, were such methods as certainly no sober Christians can think justifiable either before God or Man; and therefore no perswasive Reasons, in their own Nature, to do the same in *England*.

The Ninth and Last Reason is of the same Leaven with the former, as if the promotion of those Reverend Prelates to those high Offices and Honours must of necessity blow them up with the vain Tumor of Pride. The truth is, the Covetousness of some of the Laity, who greedily longed to devour the Revenue of the Church; and the Pride and Envy of the Factious Presbyterian and other dissenting Ministers, and not the Exaltation of the Bishops, were the true Reasons of their discontent; and of all the disquiets, and great disorders which ensued this troublesome and restless Temper of the Non-conforming Ministers, and of all the dreadful Revolutions which happened in these miserable Kingdoms, to the utter Ruine and Overthrow both of Church and State, and to the Eternal infamy of these Pretenders to Reformation, and the True Protestant Religion.

That which seems to have the most force and weight, and is therefore reserved to the last, is taking away the Votes of the Abbots in the time of King *Henry* the Eighth, upon the Dissolution of those Religious Houses. To which, notwithstanding the great strength it seems to have, that for the same Reason the Bishops might also be removed from the Peerage of *England*; it is easily answered, That though some Abbots were Barons in Parliament, and part of the Lords Spiritual, yet the taking away their Votes did no more destroy the third Estate in Parliament, then the Attainders of divers of the Nobility and Temporal Lords, and thereby taking away their Votes, did abolish the whole Order of the Peerage, another of the Three Estates: Whereas the taking away the Bishops Voices and Peerage in Parliament must of necessity utterly Exterminate one of the three Estates, as before was said, so declared by the Statute Law of the Land.

Upon Information to the Lords, that divers Sheriffs had remaining in their hands Monies, which were collected of the Counties for Ship-mony, and undisposed of; it was Ordered, *That these Lords Committees following, do consider and think of some way to restore the Ship-mony remaining in the hands of any Sheriff, or Under-Sheriff and other Officers, undisposed of in every Shire unto the several persons from whom it was received; or else that it be employed in some way for the ease and good of the Countries where it hath been Collected, viz.*

Earl of Bath,
Earl of Essex,
Earl of Berks,

Viscount Say and Seal,
Episcop. Winton.
Episcop. Lincoln.

Their Lordships, or any four of them are to meet when and where they please.

Order of the
Lords about
Ship-mony re-
maining in di-
vers Sheriffs
hands.

The

The Petty-Farmers of the Customs, Sir Paul Pindar, Sir John Jacob, Sir Job Harvey, Sir Nicholas Crisp, and Sir John Harrison, got a Petition presented to the House, which was read, and answered, *That the House would take the justness of this Petition into Consideration in due time.*

* One Robinson a Clerk in the Custom-House, John Spencer a Horse-Courser, Adam Banks a Stockinfeller, John Durant, and one Green, being Complained against for Preaching, being mere Lay-men, were by Order summoned to appear before the House. Thus Early the Banks of Episcopal Authority over the Church being broken down, did the floods of Ungodly men, the deluge of unordained Schismatics begin to flow in upon the Nation, and by the Example of their Superiors who invaded the Crown, took encouragement to invade the Priesthood; and though one would have thought, that this might have given them a fair prospect of the Danger which must accrue to the Church by pulling down the Pillars of it, and thereby Encouraging the Factious Schismatics to lay it waste, yet Mr. Solicitor St. John, Mr. Glyn, Mr. Selden, Mr. Vaughan, Mr. Prideaux, Mr. Maynard, Sir Thomas Widdrington, Mr. Peard, Mr. Rigby, Mr. White, Mr. Hambden, Mr. Whitlock, were ordered to Expedite the Charge against the Archbishop of Canterbury.

This day the Lord Marquess of Hartford was introduced between the Lord Marquess of Winton, and the Earl of Essex, all in their Robes, the Lord Great Chamberlain, the Earl Marshal and Garter going before; and having delivered his Patent of Creation, dated 3^o die Junii, 1641. 17^o Carol. Regis, upon his Knee unto the Speaker, who delivered it unto the Clark to be read; which being done, he was brought and placed next below the Lord Marquess of Winton.

In the Lords House the Bill concerning the Bishops was taken into Consideration, and for the better debate of it, the House, as was Usual, was put into a Committee during pleasure; but before the House could come to any Result, a Message was brought from the House of Commons; here-upon the House was resumed; and it was Ordered, *That the further Debate of the Bill concerning the Bishops shall be to morrow morning the first Business; and also the Reasons of the House of Commons why Bishops should not Vote in Parliament, are to be Considered.*

I will not be positive, but I have good reason to conjecture, That at this time and upon this occasion the Lord Viscount Say and Seal made one of his Long-winded Speeches against Bishops, which was so much applauded by those long Parliamentarians; and I am the rather induced to believe it, in regard of an Order of the House immediately following the Debate, *in hæc verba.*

Ordered and Declared, That reading of formal Speeches and Answers out of Papers in this House, is no Parliamentary Way.

The House was not yet purged of those Noble and Loyal Lords who were for Monarchy and Episcopacy, and the Supporting the Ancient and Fundamental Establishment of Parliaments by the Three Estates of Lords Spiritual, Temporal, and Commons; and these long formal Speeches very much retarded the Proceedings and Debates of the House, which seems to be the reason of this Order. However, take the Speech as I find it in several Prints, by which the Reader will see what the Champion of the Age against Bishops was able to say upon the subject.

June,
1641.
Petty-Farmers
of the Customs
Petition the
House.
* Saturday,
June 5th.
Lay-Preach-
ers.

Committee
appointed to
Expedite the
Charge against
the Arch-
Bishop of Can-
terbury.

Lord Marquess
of Hartford
introduced
5. Junii, 1641.

Order against
formal Spee-
ches as unpar-
liamentary.

June,

1641.

The Lord Viscount Say and Seal his Speech against Bishops Votes, &c.

* Bishop of Lincoln.

My Lords,

I Shall not need to begin as high as *Adam*, in answer to what has been drawn down from thence, by a *Bishop, concerning this Question; for that which is pertinent unto it will only be what Concerns Bishops as they are Ministers of the Gospel, what was before (being of another Nature) can give no Rule to this. The Question that will lye before your Lordships in passing of this Bill, is not *Whether Episcopacy* (I mean this Hierarchical Episcopacy, which the World now holds forth to us) *shall be taken away Root and Branch*; but, *Whether those Exuberant, and superfluous Branches, which draw away the Sap from the Tree, and divert from the right and proper use, whereby it becomes unfruitful, shall be cut off, as they use to pluck up Suckers from the Root.* The Question will be no more but this, *Whether Bishops shall be reduced to what they were in their first advancement over the Presbyters*, (which although it were but a human device for the Remedy of Schisme, yet were they in those Times least Offensive) *or continue still with the Addition of such things, as their own Ambition, and the Ignorance, and Superstition of succeeding Times did add thereunto, and which are now continued for several Politic Ends.* Things heterogeneous, and inconsistent with their Calling, and Function, as they are Ministers of the Gospel, and thereupon such, as ever have been, and ever will be, hurtful to themselves, and make them hurtful to others; in the Times and Places where they are continued: And these things alone this Bill takes away, that is, their Offices and Places in Courts of Judicature, and their Employments by obligation of Office in Civil Affairs. I shall insist upon this, to shew First, how these things hurt themselves; And Secondly, how they have made, and ever will make them hurtful to others. They themselves are hurt thereby in their Consciences, and in their Credits; In their Consciences, by seeking or admitting things, which are inconsistent with that Function and Office, which God hath set them apart unto. They are separated unto a special Work, and Men must take heed, how they misemploy things dedicated, and set apart to the Service of God; They are called to Preach the Gospel, and set apart to the Work of the Ministry; and the Apostle saith, *Who is sufficient for these things?* shewing that this requireth the whole Man, and all is too little; Therefore for them to seek, or take other Offices which shall require, and tie them to imploy their Time, and Studies in the Affairs of this World, will draw a guilt upon them, as being inconsistent with that which God doth call them and set them apart unto. In this Respect our Saviour hath expressly prohibited it, telling his Apostles, That they should not Lord it over their Brethren, nor exercise Jurisdiction over them, as was used in Civil Governments among the Heathen: They were called *Gracious Lords*, and exercised Jurisdiction as Lords over others, and surely they might lawfully do so: but to the Ministers of the Gospel, our Saviour gives this Rule, *It shall not be done so by you*; If ye strive for Greatness, he shall be the Greatest, that is the greatest Servant to the Rest: Therefore in another place he saith, *He that putteth his Hand to the Plow, and looketh back to the things of this World, is not fit for the Kingdom of God*, that is, the Preaching of the Gospel, as it is usually called. To be thus withdrawn by intangling themselves with the Affairs of this Life, by the Necessity and Duty of an Office received from Men, from the discharge of that Office, which God hath called them unto, brings a *Woe* upon them; *Woe unto me*, saith the Apostle, *If I preach not the Gospel.* What doth he mean? If I Preach not once a Quarter, or once a Year in the King's Chappel? No, he himself interpreteth it; *Preach the Word, Be instant in season, and out of season, rebuke, exhort, or instruct, with all long-suffering, and doctrine.* He that hath an Office, must attend upon his Office, especially this of the Ministry. The Practice of the Apostles is answerable to the Direction, and Doctrine of our Saviour. There never was, nor will be, Men of so great Abilities and Gifts as they were indued withal; Yet they thought it so inconsistent with their Callings to take Places of Judicature in Civil Matters, and Secular Affairs, and Employments upon them, that they would not admit of the Care, and Distraction that a Business far more agreeable to their Callings, than these would cast upon them; and they give the Reason of it in the 6th of the *Acts*, *It is not reason, that we should leave the Word of God, and serve Tables.*

And

June,
1641.

And again, when they appointed them to choose Men fit for that business, they institute an Office rather for taking Care of the Poor, then they by it would be distracted from the Principal Work of their Calling; and then shew how they ought to employ themselves; *But we* (said they) *will give our selves continually to Prayer, and to the Ministry of the Word.* Did the Apostles, Men of Extraordinary Gifts, think it unreasonable for them to be hindred from giving themselves continually to Preaching the Word and Prayer, by taking Care for the Tables of the poor Widows, and can the Bishops now think it reasonable, or lawful for them to contend for Sitting at Council Tables to govern States, to turn States-men instead of Church-men, to Sit in the Highest Courts of Judicature, and to be employed in making Laws for Civil Polity and Government? If they shall be thought fit to Sit in such Places, and will undertake such Employments, they must not Sit there as Ignorant Men, but must be Knowing Men in businesses of State, and understand the Rules and Laws of Government, and thereby both their Time, and Studies must be necessarily diverted from that which God hath called them unto; And this sure is much more unlawful for them to admit of, then that, which the Apostles rejected, as a distraction unreasonable for them to be interrupted by. The Doctrine of the Apostles is agreeable to their Practice herein, for *Paul* when he instructeth *Timothy* for the Work of the Ministry, presseth this Argument from Example of a good Souldier, *No man that Warreth intangleth himself with the Affairs of the World:* So that I conclude, That which by the Commandment of our Saviour, by the Practice, and Doctrine of the Apostles, and I may add, by the Canons of the Antient Councils, grounded thereupon, is prohibited to the Ministers of the Gospel, and shew'd to be such a distraction unto them from their Callings, and Function, as will bring a *Woe* upon them, and is not reasonable for them to admit of; If they shall notwithstanding intangle themselves withall, and enter into, it will bring a Guilt upon their Souls, and hurt them in respect of their Consciences.

In the next place it doth blemish them, and strike them in their Credit; so far from Truth is that Position, which they desire to possess the World withal, that unless they may have these outward Trappings of Worldly Pomp added to the Ministry, that Calling will grow into Contempt, and be despised. The truth is, these things cast Contempt upon them in the Eyes of Men. They gain them Caps, and Courtesy, but they have cast them out of the Consciences of Men; and the Reason is this, Every thing is esteemed as it is Eminent in its own proper Excellency; the Eye in seeing, the Ear in hearing, not in speaking; The one would be rather Monstrous than Comely; the other is ever acceptable being proper; So is it with them, their proper Excellency is Spiritual, the Denyal of the World, with the Pomp and Preferments, and Employments thereof, this they should teach and practise, but when they contrary hereunto seek after a Worldly Excellency like the great Men of the World, and to Rule and Domineer as they Contrary to our Saviour's Precept, *Vos autem non sic*, but it shall not be so amongst you; instead of Honour and Esteem, they have brought upon themselves in the Hearts of the People that Contempt and Odium which they now ly under, and that justly, and necessarily, because the World seeth that they prefer a Worldly Excellency, and run after it, and Contend for it, before their own, which being Spiritual, is far more Excellent, and which being proper to the Ministry, is that alone which will put a Value and Esteem upon them that are of that Calling.

As these things hurt themselves in their Consciences, and Credit, so have they, and if they be continued, still will make them hurtful to others: The Reason is, Because they break out of their own Orbe, and move irregularly; there is a Curse upon their Leaving of their own Place. The Heavenly Bodies while they keep within their own Spheres give Light, and Comfort to the World; But if they shall break out, and fall from their Regular and proper Motions, they would set the World on fire: So have these done, while they kept themselves to the Work of their Ministry alone, and gave themselves to Prayer, and the Ministry of the Word, according to the Example of the Apostles, the World received the greatest benefit by them, they were the Light and Life thereof; But when their Ambition Cast them down like Stars from Heaven to Earth, and they did grow once to be advanced above their Brethren, I do appeal to all, who have been verfed in the Antient Ecclesiastical Stories, or Modern Histories, Whether they

June,
1641.

Lincoln.

have not been the Common Incendiaries of the Christian World, never ceasing from Contention one with another about the Precedency of their Sees, and Churches, Excommunicating one another, drawing Princes to be Parties with them, and thereby Casting them into Bloody Wars. Their Ambition, and Intermeddling with Secular Affairs and State-Business, hath been the Cause of shedding more Christian Blood then any thing else in the Christian World; and this no man can deny, that is veried in History. But we need not go out of our own Kingdom for Examples of their Insolency and Cruelty; when they had a Dependancy upon the Pope, and any footing thereby out of the Land, there were never any that carried themselves with so much Scorn and Insolency towards the Princes of this Kingdom as they have done. Two of them the Bishop that last spake hath named, but Instances of many more may be given; whereof there would be no End. Although the Pope be Cast off, yet now there is another Inconvenience no less prejudicial to the Kingdom by their Sitting in this House, and that is, they have such an absolute dependancy upon the King, that they Sit not here as Freemen. That which is requisite to freedome, is to be void of Hopes, and Fears; He that can lay down these, is a Freeman, and will be so in this House; But for the Bishops, as the Case stands with them it is not likely they will lay aside their Hopes, greater Bishopricks being still in Expectancy: and for their Fears, they cannot lay them down, since their Places and Seats in Parliament are not invested in them by Blood, and so hereditary, but by annexation of a Barony to their Office, and depending upon that Office, and thereby of their Places, at the King's Pleasure, they do not so much as Sit here *Dum bene se gesserint*, as the Judges now by your Lordships Petition to the King have their Places granted them, but at Will and Pleasure; and therefore as they were all Excluded by *Edw. 1.* as long as he pleased, and Laws made *Excluso Clero*, so may they be by any King at his Pleasure in like manner, they must needs therefore be in an absolute dependency upon the Crown, and thereby at Devotion for their Votes; which how prejudicial it hath been, and will be, to this House I need not say.

I have now shewed your Lordships how hurtful to themselves and others these things, which the Bill would take away, have been; I will answer some Objections which I have met withall, and then crave your Pardon for troubling you so long.

- Object. 1, *It will be said that they have been very antient.*
 2. *That they are Established by Law.*
 3. *That it may be an Infringement to the Priviledges of the House of Peers, for the House of Commons to send up a Bill to take away some of their Members.*

To these 3. Objections the Answer will be Easy.

1. To the First, Antiquity is no good Plea; for that which is by Experience found to be Hurtful, the Longer it hath done hurt, the more need there is now to remove it, that it may do no more: besides, other Irregularities are as antient which have been thought fit to be redressed; and this is not so antient, but that it may truly be said, *Non fuit sic ab initio.*
2. For being Established by Law, the Law-Makers have the same Power, and the same Charge, to alter Old Laws inconvenient, as to make New that are necessary.
3. For Privilege of the House it can be no breach of it; for either Estate may propose to other by way of Bill what they conceive to be for public good, and they have power respectively of accepting or refusing.

There are Two other Objections, which may seem to have more force, but they will receive satisfactory Answers.

The One is, *That if they may remove Bishops, they may as well next time remove Barons, and Earls.* For Answer.

1. The Reason is not the same, the one Sitting by an Honor invested in their Blood, and hereditary, which tho it be in the King to grant alone, yet being once granted, he cannot take away: The other Sitting by a Barony depending upon

upon an Office, which may be taken away; for if they be deprived of their Office, they Sit not.

2. Their Sitting is not so Essential, for Laws have been, and may be made, they being all Excluded; but it can never be shewed, that ever there were Laws made by the King, and them, the Lords and Earls Excluded.

Object. The other Objection is this, *That this Bill alters the Foundation of this House, and Innovations, which shake Foundations, are Dangerous.*

Ans. I Answer first, That if there should be an Error in the Foundation, when it shall be found, and the Master-Builders be met together, they may, nay they ought rather to amend it, than to suffer it to run on still, to the prejudice, and danger of the whole Structure.

2. Secondly, I say this is not Fundamental to this House, for it hath stood without them, and done all that appertains to the Power thereof without them; yea, they being wholly Excluded, and that which hath been done for a time at the King's Pleasure, may be done with as little danger for a longer time; and when it appears to be fit, and for public good, not only may, but ought to be done altogether by the Supreme Power.

If this Speech be well considered, setting aside the flourish his Lordship makes with perverted Scripture, there is little in it that might deserve any Answer; for the whole is built upon these two false Foundations:

First, That the Bishops are not one of the Three Estates in Parliament; an Opinion deservedly Exploded both by Common and Statute-Law, and by all Persons of Sense and Honor, Except such as would therefore have the King to be the Third Estate, that so by bringing in a Co-ordinacy of Power, they may the better accomplish their Anti-Monarchical Designs; or at least reduce the Ancient and Imperial Crown of these Realms, to the Condition of a *Venetian* Seigniory.

The Second of his Lordships unsound Foundations is, *That it is absolutely Unlawful for Ecclesiastical Persons to intermeddle at all in Secular or Civil Concerns*; But his Lordship either did not consider, or did forget that even *St. Paul*, by his own Confession being a Tent-maker, wrought with his hands, which is a Secular Employ, notwithstanding his Command to the Ministers to be *instant in season, &c.* and the *Woe to them that do not preach the Gospel*, upon which his Lordship builds all his Speech. And it is obvious, that not only this hard labour must be a greater hinderance to his discharging his duty, than what is here alledged against the Bishops, but that Secular Employes are not absolutely Unlawful even for an Apostle, much less a Bishop. And abating the Unlawfulness, which this Instance for ever will supersede, there can be no Inconvenience, but may be thought abundantly Recompensed in a Christian Common-Wealth by the Sage and Religious Advice of these Learned, Reverend and Pious Prelates, in framing Laws for a Christian Society, and the good Government of the State which is imbodyed into the Church in a Christian Commonwealth; and when this is winnowed from his Lordship's Speech, all the rest will be but Chaff.

The Lord General produced a Letter sent to his Excellency from *Sir Thomas Glemham* at *Hull*, declaring the great Disorders, and Unruliness of the Souldiers there, and of the Mutiny, that lately was among them; in which Uproar one of their Captains was killed, and others threatned. And he further informed the House, *That the Army through want of Money and Provisions, is so dispersed into several places, that*

they

June,

1641.

The Soldiers Disorderly and Mutinous for want of Pay.

June,
1641.

Munday,
June 7.
Report of the
Case between
the Bishop of
Ely and the
Lady Hatton.

they are no Security to those Parts in case the Army of the Scots should advance.

Whereupon it was resolved to have a Conference with the Commons about the state of the Army.

Mr. Whitlock Reports from the Committee to whom the Lady Hattons Complaint against the Bishop of Ely was referred,

That Richard Cox Bishop of Ely, in the 18 Eliz. made a Lease of some Old Buildings and Lands next Ely House to Sir Christopher Hatton Lord Chancellor of England, for 21 Years, he intending there to make a Habitation for himself. That 19 Eliz. Bishop Cox Conveyed the Inheritance to the Crown, the Intention of it for the Use of the said Chancellor Hatton, to whom it came afterward. In the Preamble of that Conveyance, there was a Clause for the Bishop of Ely and his Successors to redeem the Premises, upon the repayment of such Moneys as the Lord Chancellor Hatton should disburse, who disbursed in Building, One thousand eight hundred and ninety pounds odd Money: Chancellor Hatton intailed the Premises, and they were after Extended for a Debt to the Queen, and an Act of Parliament was passed to Enable the Sale of them by another Sir Christopher Hatton who was seized by the Entail, and who did for valuable Considerations 5 Jac. sell the premises to the Lady Eliz. Hatton the Petitioner, who since Expended in Building, Repairing and Improving it, Seven Thousand eight hundred pounds odd money, and ever since the purchase, being 34 Years, till Nov. 14 Car. when the now Bishop of Ely Dr. Wren preferred his Bill into the Court of Requests, to have the House and Lands restored to his See by the Clause of Redemption in the Conveyance from Bishop Cox; pretending she had notice of it; She in answer upon Oath denies that she had any notice of the Trust, and none is proved by the Bishop; the Cause came to hearing in Nov. 15 Car. but no Judgment, though the Lady Hatton moved they would do it; and of this suspending of Judgment, my Lady complains is a great prejudice to her. Whereupon it was

Resolved, &c. That the suspending of Judgment in the Court of Requests in the Case depending between the Bishop of Ely and the Lady Hatton, is an unnecessary Delay.

Resolved, &c. That the Lady Hatton is a Purchaser upon valuable Considerations, and hath been at great Expences in Building, Repairing and Improving the said Estate.

Resolved, &c. That the Estate of the Lady Hatton being good in Law, is not redeemable in Equity, nor subject to the said pretended Trust.

Resolved, &c. That the Bill depending in the Court of Requests between the Bishop of Ely and the Lady Hatton, ought to be dismissed upon the merits of the Cause.

Lay-Preachers
reprehended.

After which the Lay-Preachers Spencer, Green, Robinson, &c. who had been sent for by Order of the House, were called in, and Mr. Speaker gave them a reprehension, telling them, That the House had a general distast at this their proceedings, and that if they should offend at any time in the like kind again, this House would take Care they should be severely punished.

It is Easy to Observe with what tenderneſs these Sacrilegious Invaders of the Calling of the Ministry were treated by these High-flown Pretenders to Reformation, who were dismissed for this Offence against God

God and all good men only with fair Warning and a Gentle Reproof; when at the same time the Orthodox and Regular Clergy who had a Lawful Commission to speak the Truth and stand up in Vindication of the Church, were, upon every frivolous complaint from their Enemies the Sectaries, for every word which could be tortured to depose any thing against the Proceedings of the Commons, sent for in Custody, imprisoned, Outraged, Stigmatized, and many of them and their poor and innocent Families utterly ruined and undone.

The House of Lords being adjourned into a Committee during pleasure, to Debate the Reasons sent up from the Commons at the Conference touching the Bishops not Voting in Parliament, and after a long Debate the House was resumed.

Then the Bill was read a third time, Entituled, *An Act for restraining Bishops and others of the Clergy in Holy Orders from intermeddling in Secular Affairs.* And being put to the Question, *Whether it should pass as a Law?* it was Resolved by the Major part, *That it should not.*

Upon Letters this day Received from Sir Jacob Ashley, it was declared, *That notwithstanding the Information of Mr. Darley against him, yet he was in the good Opinion of the House.*

The House was then informed that the Forty thousand pounds, and the Hundred and twenty thousand pounds promised to be lent by the City, were yet unpaid in, notwithstanding many motions.

Hereby it appears, that Alderman Pennington did not always speak the Truth in that House, when he informed them, *That upon the King's passing the Bill of Attainder against the Earl of Strafford, Money came in as fast as it could be told.*

The Cessation of Arms continued a fortnight longer from the 24th of June upon the same terms.

The Bills for taking away the Court of *Star-Chamber*, and Regulating the Proceedings of the Council Board, were read a second time, and passed.

Mr. Fines Reports from the Close Committee, Matters concerning the *Tower of London*, the *French*, the Flight of the Gentlemen accused of a Conspiracy in the Army, to bring them up to Aw the Parliament; The Earl of *Strafford's* design to have made an Escape had he not been prevented; The Papists resorting into *Hampshire* towards *Portsmouth*, and the Fortifying of it; Mr. *Fermyn's* desire to get *Portsmouth* into his hands; And the *French* Troops drawing down to *Callice*, *Diep*, and *Granville*.

Exceptions were taken at the Lord *Digby* for words spoken concerning an Oath, which Colonel *Goring* confessed he had taken to be secret, saying, *he was a perjured man.* After a warm Debate upon it, and he had in his Place Explained himself, yet the House not being satisfied with it, he was ordered to withdraw.

A Petition was this day read in the House of Lords, declaring *the great Disorders committed in the Parish Churches of Saint Saviours and St. Olaves in Southwark, in time of the Administration of the Communion*; hereupon it was Ordered, *That the Names of the particular Offenders be given in to this House, and then this House will give such Order therein as stands with Justice, and the Desert of the Cause.*

These were the Men for Reformation, whom nothing, not the most Sacred Duty of Christian Religion, could keep within the bounds of Decency and Order.

June,
1641.

The Bill
against Bishops
thrown out
of the Lords
House.

Tuesday,
June 8.

Star-Chamber
and Council
Table Bills
read, and
passed.
Report from
the Close
Committee.

Exceptions
taken against
the L. Digby
for words con-
cerning Go-
ring's Oath.

The Faction
Sectaries di-
sturb the Peo-
ple at the
Communion.

The

June,

I 6 4 I.

Order of the
Lords about
Writs of Er-
ror.

Wednesday,
June 9.

Sir William
Widdrington
and Sir Her-
bert Price sent
to the Tower,
for bringing
in Candles
against the
desire of the
House.

Vote in favour
of Colonel Go-
ring's discove-
ry.

An Account
of the Conspi-
racy in the
Army, from
the Memoires
of the Earl
of Manchester.

The Lords finding themselves Extremely Pressed by the bringing Writs of Errors upon Judgments into their House, whereby the Publique Affairs were much retarded, made this Order.

Ordered, That such persons that bring in Writs of Error into this House upon a Judgment given in a Court of Justice, and if it appear that there is no Just Cause of Error in the said Judgment, but merely for delay of Justice and Execution, that then such Costs is to be given against the Parties that bring the Writ of Error, as the House shall think fit to give in that Case; And that the Record shall be remitted whence it came, that the Defendant may take out Execution upon the Judgment.

The House of Commons Sitting late the last Night upon the Debate concerning the Lord Digby, and some persons calling for Candles, which the major part opposed, being inclined to rise, but by mistake the Candles being brought in, and Sir William Widdrington and Sir Herbert Price taking them from the Serjeant without a General Command, which occasioned a great disturbance in the House. Mr. Hollis made a Speech in aggravation of their Offence, shewing, *That the House of Commons being a Rule and Example of Order, there ought to be no Disorders within those Walls; for that if there were such within, well might it be Expected there would be without, and that it might be the occasion of shedding much blood among themselves, if upon such a difference Parties should have sided one against another.* Whereupon, though both the Gentlemen made their Submission and craved the Pardon of the House, yet they were immediately committed Prisoners to the Tower during the Pleasure of the House.

The House then fell upon the last Nights Debate concerning Colonel Goring's Discovery, and it was

Resolved, &c. That Col. Goring in his Depositions concerning the Discovery, has done nothing contrary to Justice or Honor, but has therein deserved well of the Commonwealth and of this House.

By this time I doubt not but the Reader's Curiosity will prompt him to know the meaning of this Conspiracy, which made as much noise in London, and indeed throughout England, as ever the famous Conspiracy of Cataline did at Rome, I will give him the best Information I can from the Memoires of the Lord Manchester, and in his own words.

“ **T**O prevent the Earl of Strafford's Death, saith he, several Designs had been upon the Wheel, but all failed, therefore it was consulted how to Engage the Army in the North to serve the King in order to his Freedom from the Parliaments Fetters *mettre le Roy hors d'paye*, as the Royalists termed it. This occasioned several Addresses to the Principal Commanders in the North; but they were fearful and backward to entertain any Motions or Propositions which might put them upon a breach with the Parliament.

“ But Mr. Percy and Mr. Jermin finding a great discontent in those Commanders of the Army who were Members of Parliament, as Col. Wilmot, Col. Ashburnham, and Col. Pollard, who thought that their Services had merited much better of the Parliament, than that the Scotch Officers and Scots Army should be preferred before them in their Gratuities and in their Pay.

“ These Commanders owning that the Parliament had disoblged them, gave Mr. Percy a rise to press with greater Earnestness his design
“ of

June,
1641.

“ of Engaging them to serve the King ; and to that End an Oath of Secrecy was framed, and others were admitted into their Confederacy, as Mr. *Fermin* and Mr. *Goring*, and Propositions were framed.

“ But it fell out in this as in most Conspiracies of the like Nature, that though the same Oath was taken by all that met together, yet it was not taken by all with the same persuation or intention.

“ For Col. *Goring* whose Ambition was not answered in being promised the Place of Lieutenant General of the Army, and finding others employed whose persons he disliked, he having a full Information from Mr. *Percy* and Mr. *Fermin* of all the Design, thought it would tend most to his Security and Advantage to reveal the Conspiracy, and being versed in all the Methods of falshood, he chose the Time and Means which he thought would be most acceptable and obliging to the Parliament.

“ He therefore first imparts it to the Earl of *Newport*, who was his particular Friend, and desired him to bring him to some other Lords of the Parliament, such as might be most likely to prevent that Mischief which was intended : and accordingly the next day about Evening the Lord *Newport* brought him to the Earl of *Bedford*, and the Lord *Mandeville*, to whom he first made a Protestation of his Fidelity to the Parliament, and of his readiness to run all hazards for the Safety of it.

“ Then he imparted the substance of the Design, and desired them to make what Use of it they thought fit for their own and the Commonwealths Security, but not to bring him as the Accuser of the Persons, except Necessity did require it.

“ The Lords who had this Design revealed unto them, thought it necessary to discharge themselves, and communicated it to some Members of the House of Commons, by whose Advice it was agreed, That *Goring* should repair to his Government at *Portsmouth*, and that so soon as he was gone, the Persons whom he had discovered to be Actors in this Design, should be apprehended ; but private Notice being given to Mr. *Percy* and Mr. *Fermin*, they prevented the Justice of the Parliament by their Escape out of *England*.

“ Mr. *Percy* with some difficulty and hazzard took Shipping in a private Port in *Sussex*, Mr. *Fermin* ventured upon *Goring's* Faithfulness to him, and brought unto him a Warrant under the King's Hand to see him safely transported in one of his Frigots, which he obeyed with Care and Readiness, though at the same time the Parliament had sent Orders to him by Commissioners authorized under the Great Seal according to the King's Directions to apprehend him, but he pretended the Orders came not time enough : And at the same time he took an Oath which was administred by the King's Authority under the Great Seal, to be True and Faithful to the King and Parliament, and keep the Town of *Portsmouth* for their Use, and not to deliver it but by both their Consents.

“ The Plot being made known to the House of Commons, they represented it as a thing of very dangerous Consequence, and found it necessary therefore that Mr. *Goring* should own the Discovery of the Design ; and immediately he was sent for by the House of Commons whereof he was a Member ; and being present there, he was commanded to declare his Knowledg of the Design. Upon this Command he Expressed himself in these Terms :

June,

1641.

“ Having been told, that there was an Intention to Unite the Forces
 “ of our Army, and to put them into a Posture of being able (if not pur-
 “ pose of being willing) to interpose in the Proceedings of Parliament,
 “ I hearkened to the Propositions of soliciting a Redress for the Miseries
 “ of the Souldiery (being the first step to this) in respect of the present
 “ Necessities of it, not any future consequence of trouble to those that
 “ were to procure our Relief: But lest the manner of asking this, or the
 “ Effect of it, being obtained, might be less just than the thing it self
 “ which was desired, and I might be involved in their Crime that had
 “ further Ends perhaps, than merely the Redress of our Armies Grie-
 “ vances, I thought it not amiss to take some Witness of my Integrity
 “ along with me; and spake to a Noble Lord the very same Day when
 “ I assured him, there were some Officers of the Army that were least
 “ thought on, that had not the greatest Zeal to the Proceedings of this
 “ House, and I thought there would be an occasion to let him know more
 “ of it within few Days.

“ After this Mr. *Fermin* and I being admitted into a Consultation
 “ where we were tied to Secrecy by an Oath in the Company of those
 “ Gentlemen I have named in my Depositions, where their purpose was
 “ declared to us in some Propositions which were to this Effect:

“ First, putting the Army into a Posture to serve the King.

“ Secondly, Tending a Declaration to the Parliament, containing,
 “ That no Act of Parliament should be made contrary to any former
 “ Act which was Expressed, That *Episcopacy* should be kept up as it
 “ is now.

“ Thirdly, That the King's Revenue should be Established.

“ This I thought unlawful for our undertakings, since they intended
 “ to interpose in the Determinations of this House, and it belongs to an
 “ Army to maintain, not to contrive the Acts of State.

“ I objected therefore against their Propositions, and more the Follies
 “ and Difficulties, than the irregularities of them, not only because I
 “ thought Reason a greater Argument with them than Conscience, but
 “ because I was so unhappy of the two to be thought a worse Common-
 “ wealths-man than a Souldier, and in that quality could procure most
 “ Credit for my words. I endeavoured to shew them, that as the De-
 “ sign would be impious if the most desperate Counsels had been fol-
 “ lowed, so it would have been the weakest that ever was undertaken
 “ if they were omitted. And whereas I am said to have a part in this
 “ Violent Council, till the day before this Meeting, I never heard word
 “ of it, and knew not when I came to the Room, whether theirs were
 “ not the same with the other; This they may witness for me, and that
 “ I declared I would have to do with neither, and that I expressed con-
 “ tempt of our meeting in that manner.

“ But I rely upon the Testimony of some Noble Lords of his Majesties
 “ Council and others, how I protested against all those violent Councils
 “ even in the Birth of them, and with what Piety I looked towards the
 “ Person of his Majesty and the whole Kingdom in this Business; I ap-
 “ peal also to them and some Members of this House, what my Carriage
 “ was towards these Gentlemen, that were imbarqued in these Under-
 “ takings, intending rather to prevent a mischief by abandoning their
 “ Councils, than to ruin them by disclosing them: But mistake me
 “ not, for had I known of any former Plot proceeded in, that could
 “ indanger or disturb the Quiet of his Majesty, or the Peace of the King-
 “ dom,

“ dom, I should not have been contented with declaring mine own Innocency, nor have stayed till the Commands of this House, or an Oath Extorted from me a discovery ; but by a hasty open Declaration have broke the Laws of Amity and Friendship, and all former Tyes to the present Duty of a Subject, and as freely Exposed the Knowledg of all to the View of the World, as I have been tender in publishing these Purposes, even to my nearest Friends, which had weight enough to crush nothing but the Undertakers of it. And certainly if they had stayed where I left them, there was no Conclusion at all.

“ It appears there were two several Intentions digested by others before they were communicated to me ; and I know not whether my hearkening to them was a fault, but I am sure it was no misfortune.

By what hath been related, the Reader will Easily perceive for what Reason my Lord *Digby* thought himself Obligated to speak so sharply against Colonel *Goring*, as by his own Confession guilty of a Wilful Perjury, as Entering into the Oath of Secrecy purposely with an Intention to discover the Confederacy. But all this would not Satisfie the Faction, who had entertained a mortal displeasure against him for his Apostacy, as they called it, in declaring so frankly his Opinion against the Bill of Attainder against the Earl of *Strafford*; for though their Resentments slept some time, it was only to gain a fit opportunity to discover their Revenge to purpose ; and therefore laying hold of these Expressions against Colonel *Goring*, he was this Day by Vote Expelled the House as unworthy to continue any longer a Member of it, and Mr. *Speaker* was Ordered to give Directions to the Clerk of the Crown to issue out a Writ for a new Election in his Place.

But this was only to shew their Revenge ; for this very day he was introduced with the Usual Ceremony into the House of Lords, and placed next below the Lord *Brook*, his Writ being dated the 9th of June, 17 *Caroli Regis* : And immediately upon this it was

Ordered, That the Lord *Digby* be added to all the standing Committees.

The Names of the Persons complained of Yesterday for Disorders in the Church, were this day given in to the House of Lords. Those that pulled down the Rails about the Communion Table in *St. Saviour's Church* in *Southwark*, were

William Smister, William Shephard, Toby Grotwick, Hugh Barcock, George Ewer, George Pitcher, Tho. Low.

The Names of those that committed the Disorder in the Church of *St. Olaves* in *Southwark* in time of administering the Communion,

Robert Wainman, Bonace, Hugh Evans, John Moor.

Ordered, That the persons aforementioned be sent for to appear before this House as Delinquents to answer their several Offences.

The Commons fell this Day upon the *Root and Branch Bill*, and the House being resolved into a Grand Committee of the whole House, the Title of the Bill was first Voted, and many Speeches and Arguments were on both sides Urged for and against it ; but it is my Misfortune, as I must always complain, as well as the Reader's loss, that he can hear little of the matter but *Ex parte* : for such was then the prevalency of the Faction, that what Ever was spoken in the behalf of Episcopacy, was stifled, discouraged and suppressed, and in this small Tract of time since

June,

1641.

Thursday,

June 10.

The L. *Digby* Expelled the House of Commons, but made a Baron.

The Names of those that committed the Disorder at the Communion, and the Lords Order about it.

Friday,

June 11.

Debate about the Bill for abolishing Episcopacy &c.

June,
1641.

the Revolution utterly lost and forgotten; whereas all the Speeches of the Leading Men of the Faction, were either by their own or by the Order of the House Printed, Published and Dispersed throughout the Kingdom; by which Art they did not only then persuade the Nation, who saw nothing in Answer to these Libellous Speeches, that their Reasons were unanswerable, but they came by falling into so many hands to be preserved, I hope as Eternal Monuments of Infamy to their Authors, and Excellent Cautions to future Ages, who will Easily be able to Judge when they hear of the like Speeches, what a kind of Reformation, and what defences of Liberty and Property they are to Expect from such pretended Patriots and Speech-makers, who pull up the very Foundations of the Government under the pretence that it is Unsound and Rotten.

And indeed were it not that these Collections are generally like to fall into such Judicious hands as will be able to separate the insinuating Malice and Poison from them, and thereby make them Useful, by framing Arguments against them, and winnowing the Chaffy part of their reasoning from them, I could not judge it Expedient to transmit these four Grapes to Posterity; nor to revive them, did I not believe they might serve as useful precautions to preserve their Teeth from being set on Edge.

Upon this subject Sir *Henry Vane* who was now become not only the Profelyte, but Favourite of the Faction, for the Famous Blow he had given the Earl of *Strafford*, made this insuing Speech at the Committee of the whole House, Mr. *Hide* being in the Chair.

Mr. *Hide*,

THE Debate we are now upon is, *Whether the Government by Archbishops, Bishops, Chancellors, &c. should be taken away out of the Church and Kingdom of England?* For the right stating whereof, we must remember the Vote which passed Yesterday not only by this Committee, but the House, which was to this Effect: *That this Government hath been found by long Experience, to be a great impediment to the perfect Reformation and Growth of Religion, and very Prejudicial to the Civil State.*

So that then the Question will lie thus before us, *Whether a Government, which long Experience hath set so ill a Character upon, importing Danger not only to our Religion, but the Civil State should be any longer continued amongst us, or be utterly abolished?* For my own part, I am of the Opinion of those, who conceive that the strength of Reason already set down in the Preamble to this Bill by Yesterdays Vote, is a necessary decision of this Question: For one of the main Ends for which Church-Government is set up, is to advance and further the perfect Reformation and Growth of Religion, which we have already Voted this Government doth contradict; so that it is destructive to the very end for which it should be, and is most necessary and desireable; in which respect, certainly we have cause enough to lay it aside, not onely as useless, in that it attains not its end, but as dangerous, in that it destroys and contradicts it.

In the second place, we have Voted it prejudicial to the Civil State, as having so powerful and ill an influence upon our Laws, the Prerogative of the King, and Liberties of the Subject, that it is like a spreading Leprosie, which leaves nothing untainted, and uninfected which it comes near.

May we not therefore well say of this Government, as our Saviour in the Fifth of *Matthew* speaks of Salt, (give me leave upon this occasion to make use of Scripture, as well as others have done in this Debate) where it is said that Salt is good; *But if the Salt hath lost its savour, wherewith will you season it? It is thenceforth good for nothing, but to be cast out, and trodden under foot of men:* So Church-Government, in the general, is good, and that which is necessary, and which we all desire;

Sir Henry
Vane's Speech
against Episcopal Government,
June 11.
1641.

June,
1641.

desire; but when any particular Form of it hath once lost its favour, by being destructive to its own ends, for which it is set up, (as by our Vote already passed we say this hath) then surely, Sir, we have no more to do but to cast it out, and endeavour, the best we can, to provide our selves a better.

But to this it hath been said, *That the Government now in question, may be so amended and reformed, that it needs not be pulled quite down or abolished, because it is conceived, it hath no original sin, or evil in it: or if it have, it is said, regeneration will take that away.*

Unto which I answer, I do consent that we should do with this Government, as we are done by in regeneration, in which all old things are to pass away, and all things are to become new; and this we must do, if we desire a perfect Reformation, and growth of our Religion, or good to our Civil State. For the whole Fabrick of this Building is so rotten and corrupt, from the very Foundation of it to the top, that if we pull it not down now, it will fall about the Ears of all those that endeavour it, within a very few years.

The universal rottenness or corruption of this Government, will most evidently appear by a disquisition, into these ensuing particulars.

First, Let us consider in what Soil this root grows; Is it not in the Pope's Paradise? do not one and the same Principles and Grounds maintain the Papacy, or universal Bishop, as do our Diocesan or Metropolitan Bishops? All those authorities which have been brought us out of the Fathers and Antiquity, will they not as well, if not better, support the Popedom as the Order of our Bishops? So likewise all these Arguments for its agreeableness to Monarchy, and cure of Schisme, do they not much more strongly hold for the acknowledgment of the Pope, than for our Bishops? And yet have Monarchies been ever a whit the more absolute for the Pope's universal Monarchy? or their Kingdoms less subject to Schismes and Seditions? Whatsoever other Kingdoms have been, I am sure our Histories can tell us, this Kingdom hath not: and therefore we have cast him off long since, as he is forrain, though we have not been without one in our own Bowels. For the difference between a Metropolitan, or Diocesan, or universal Bishop, is not of kinds, but of degrees: and a Metropolitan or Diocesan Bishop is as ill able to perform the duty of a Pastor to his Diocese or Province, as the Universal Bishop is able to do it to the whole World: For the one cannot do but by Deputies, and no more can the other; and therefore since we all confess the Grounds upon which the Papacy stands are rotten, how can we deny but these that maintain our Bishops are so too, since they are one and the same.

In the second place, let us consider by what hand this root of Episcopacy was planted, and how it came into the Church.

It is no difficult matter to find this out; for is not the very spirit of this Order a spirit of Pride, exalting it self in the Temple of God, over all that is called God? First, exalting it self above its fellow Presbyters, under the form of a Bishop; then over its fellow Bishops, under the title of Archbishops, and so still mounting over those of its own profession, till it come to be Pope, and then it sticks not to tread upon the necks of Princes, Kings, and Emperors, and tramples them under its Feet. Also thus you may trace it from its first rise, and discern by what Spirit this Order came into the Church, and by what door, even by the back-door of Pride and Ambition, not by Christ Jesus. It is not a Plant which Gods right Hand hath planted, but it is full of Rottenness and Corruption; that mystery of Iniquity, which hath wrought thus long and so fit to be plucked up, and removed out of the way.

Thirdly, Let us consider the very nature and quality of this Tree or Root in its self, whether it be good or corrupt in its own nature: We all know where it is said, *A good Tree cannot bring forth corrupt Fruit, nor a corrupt Tree good Fruit. Do men gather Grapes of Thorns, or Figs of Thistles?* By its Fruit therefore we shall be sure to know it; and according as the Fruits of the Government have been amongst us either in Church or Common-wealth, so let it stand, or fall with us.

June,
1641.

In the Church.

1. **A**S it self came in by the back-door into the Church, and was brought in by the Spirit of Antichrist; so it self hath been the back-door and in-let of all Superstition and Corruption, into the Worship and Doctrine of this Church; and the means of hastening us back again to *Rome*. For proof of this, I appeal to all our knowledges in late years past, the memory whereof is so fresh, I need enter into no particulars.

A second Fruit of this Government in the Church, hath been the displacing of the most Godly and Conscientious Ministers; the vexing, punishing, and banishing out of the Kingdom the most Religious of all sorts and conditions, that would not comply with their Superstitious Inventions and Ceremonies; in one word, the turning the edge and power of their Government against the very Life and Power of Godliness, and the Favour and Protection of it unto all Profane, Scandalous, and Superstitious Persons that would uphold their Party: Thousands of examples might be given of this, if it were not most Notorious.

A third Fruit hath bin Schism and Fractions within our selves, and Alienation from all the reformed Churches abroad.

And lastly, the prodigious Monster of the late Canons, whereby they had designed the whole Nation to a perpetual Slavery and Bondage to themselves, and their superstitious Inventions: These are the Fruits of the Government in the Church. Now let us consider these in the Civil State: As,

1. The countenancing all illegal Projects and proceedings, by Teaching in their Pulpits the Lawfulness of an Arbitrary Power.

2. The overthrowing all process at Common-Law, that reflected never so little upon their Courts.

3. The kindling a War between these two Nations, and blowing up the Flame as much as in them lay, by their Counsels, Canons, and Subsidies they granted to that end.

4. The Plots, Practises, and Combinations during this Parliament, in all which they seem to have been interested more or less.

Thus have they not contented themselves with encroachments upon our Spiritual priviledges, but have envied us our civil freedom, desiring to make us grind in their Mill, as the *Philistims* did *Sampson*, and to put out both our Eyes: O let us be avenged of these *Philistims* for our two Eyes!

If then the Tree be to be known by its Fruits, I hope you see by this time plainly the nature and quality of this Tree.

In the last place give me leave for a close of all to present to your consideration the mischiefs, which the continuance of this Government doth threaten us with, if by the wisdom of this Committee they be not prevented.

First, the danger our Religion must ever be in, so long as it is in the hands of such Governors as can stand firmly in nothing more then its ruin; and whose affinity with the Popes Hierarchy makes them more confident of the Papists, then the professors of the reformed Religion, for their safety and subsistence.

Secondly, the unhappy condition our Civil State is in, whilst the Bishops have Vote in the Lords House, being there as so many obstructions, in our Body Politick to all good and wholesom Laws tending to Salvation.

Thirdly the improbability of settling any firm or durable Peace so long as the cause of the War yet continues, and the Bellows that blow up this Flame.

Lastly, and that which I will assure you goes nearest to my Heart, is the check which we seem to give to Divine Providence, if we do not at this time pull down this Government. For hath not this Parliament been called, continued, preserved, and secured by the immediate Finger of God, as it were for this work? had we not else been swallowed up in many inevitable dangers, by the practises and designs of these men and their Party? Hath not God left them to themselves, as well in these things, as in the evil administration of their Government, that he might lay them open unto us, and lead us, as it were, by the hand, from the finding them to be the causes of our evil, to discern that their rooting up must be our only cure? Let us not then halt any longer between two opinions, but
with

with one Heart and Resolution give glory to God, in complying with his providence, and with the good safety and peace of this Church and State, which is by passing this Bill we are now upon.

June,
1641.

I cannot pass by this Speech of Sir *Henry Vane's*, without a short Animadversion upon that threadbare Topique which he builds the whole Fabrique of his Harangue upon, of the Antichristianism of the very Order of Episcopacy; which was the general Common Place of declaiming against the Hierarchy: and I do it the rather, because this Calumny hath like a Leprosie infected not only the Vulgar Minds of all the Schismatics in the *English* Dominions, but also many Persons of better quality, and more abilities and opportunities to free themselves from being imposed upon by such foolish Impostures.

He tells you, *The Root of it was Pride, the Bishop exalting himself above the Presbyter, the Metropolitan above the Bishop, and so on. And that the very spirit of this Order is a spirit of Pride, Exalting it self in the Temple of God, over all that is called God; which is the very Character the Apostle gives of The Anti-Christ.*

Now that this Prelacy or Order of *Episcopacy* was not that Antichrist, is most manifest from both the Scriptures and the Ecclesiastical History; for either the beloved Apostle Saint *John*, who lived and dyed Bishop of *Ephesus*, and himself saw and doubtless Ordained many of those Bishops of *Asia*, must either be himself a member of Anti-Christ, or the Order is not. Now let the *Anti-Episcopal* Men take hold of which Horn of the *Dilemma* they please, I am sure the Foundation of their Argument, and all the Babel of Confusion which is built upon it, must fall.

It was an unlucky appeal which in the End of his Speech he seems to make to Providence; and the Signal Hand of Heaven in Restoring that Government and this Church, together with the Fatal Catastrophe of this unfortunate Gentleman and others his Colleagues, who were so violently bent upon Ruin of *Root and Branch*, are certainly, if Arguments must be drawn from Providence, such irrefragable ones in favour of *Episcopacy*, as no Age Ever saw since *Israel* passed through the Red Sea to the Land of Promise.

For the Reader's better Satisfaction in this important Matter; the want of a true and good Understanding whereof, gave no small Assistance to those dismal Calamities which afterwards befell the Miserable Nations, I will present him with a short Abstract of the Judgment of Archbishop *Usher*, whose Testimony I rather make Use of in this particular, because Even the *Presbyterian* Faction at that time seemed to set a great Value upon him as a Moderate, Learned and Pious Man.

The Reverend and Learned Prelate *James* Lord Archbishop of *Armagh*, Primate of *Ireland*, did in the Year 1641. when this Debate was most Violent, the *Presbyterian Faction* endeavouring to Extirpate *Episcopacy* Root and Branch, and to Introduce the *Scottish* or rather the Old Heretick *Aërius* his Parity and Identity of *Priest* and *Bishop*, write a small Pamphlet upon this subject, shewing from the Records of Antiquity, *That the Apostles Ordained Bishops to succeed them in all Churches.* Which may for Ever Silence these Gainfayers, who have nothing in their Mouths but the *Antichristian* and *Lordly Prelacy*; a Reproach which if traced to the Original of this Institution, will at last fall upon the Apostles themselves, if not upon Him whom *St. Peter* styles, *The Shepherd and Bishop of our Souls.* The Book was Printed by G. M. for

Thomas

An Abstract of
Arch-Bishop
Ushers Opin-
ion of Episco-
pacy, being of
Apostolical
Institution,
1641.

June,
1641.

Thomas Downes, and to be sold by William Lee at the Turk's Head in Fleetstreet, 1641.

To prove that those whom our Translation calls Elders, the Greek Presbyters, were subordinate to the Bishop, he proves, That the same Persons whom St. John in the Revelation calls the Angels of the Churches, were those whom the Primitive Fathers and the Church then called Bishops, and particularly that Timothy was Bishop of Ephesus; and that one of those Angels to whom St. John writes, was Successor to him, which he proves First by the Succession of Bishops; Secondly, by the Testimony of Ignatius and others.

For the first, it was publickly declared by Leontius Bishop of Magnesia, in the General Council of Chalcedon, Act. 2 ἀπὸ τοῦ ἁγίου Τιμοθέου μέχρι νῦν ἐκδοσίᾳ ἐπισκόποι ἐγένοντο, πάντες ἐν Ἐφέσῳ ἐχειροτονήσαντες. That from Timothy, and therefore by undeniable consequence from the very dayes in which the Apostles lived, there had been a Continued Succession of Twenty seven Bishops, all of them Ordained in Ephesus.

That Beza himself in his Commentaries confesseth as much, that Timothy had been sometimes the πρεσβῆρ, or Antistes or President of the Ephesian Presbytery, which is the Appellation which Justin Martyr gives unto him whom the other Fathers term a Bishop; and that Timothy was Ordained Bishop of the Church of the Ephesians, is confirmed by the Testimony of Eusebius, Hist. lib. 3. c. 4. as also by Two Ancient Treatises concerning the Martyrdom of Timothy, one Anonymous in the Library of Photius, the other bearing the name of Polycrates, who was himself Bishop of Ephesus, and born within 37 Years after St. John wrote the Revelations.

That Onesimus was Bishop of Ephesus, and consequently the Angel of that Church to whom St. John writ the Epistle in the Revelation, he proves from Ignatius. Now Ignatius whom Theodoret in Dialogo 1. & Fœlix 3. in Epistola ad Zenonem Imperatorem, recitata in 5 Synodo Constantinopol. Act 1. Tomo 2. Concil. pag. 220. Edit. Binii Anno 1606. As also Johan. Antiochenus. Chronic. lib. 10. M. S. report to have been Ordained Bishop of Antioch by St. Peter, without all controversie did sit in that See the very same time when St. John writ that Epistle to the Angel of the Church of Ephesus; for St. John writ his Revelation towards the End of the Empire of Domitian, as Ireneus testifies, or in the 14th Year of his Reign, as Eusebius and Hierom say, from thence there are but 12 Years to the 10th of Trajan, wherein Ignatius in that last Journey which he made for the consummation of his Glorious Martyrdom at Rome, wrote another Epistle unto the Church at Ephesus, making mention therein of Onesimus as their Bishop, and puts them in mind of their duty to him, and concurring with him as their worthy Presbytery did.

He further tells us that Polycarpus was then Bishop of Smyrna, when St. John wrote to the Angel of the Church there, of whom Irenæus who did not only know those worthy men who succeeded Polycarp in that See, but also was present when he himself did discourse of his Conversation with St. John, and of those things which he heard from those who had seen our Blessed Lord Jesus, saith Καὶ Πολύκαρπος ὁ ἐμὸν ἑσθλὸν Ἀποστόλων μαθητευθεὶς, καὶ συναναστραφεὶς πολλοῖς τοῖς ἁγίοις Χριστοῦ ἐπακόσιν, ἀλλὰ καὶ Ἀποστόλων κατα-
σταθεὶς

σαθεὶς εἰς τὴν Ἀσίαν ἐν τῇ ἐν Σμύρνῃ ἐκκλησίᾳ ἐπίσκοπος, ὃν καὶ ἡμεῖς ἐώρακαμεν ἐν τῇ πρώτῃ ἡμῶν ἡλικίᾳ, ὅτι πολὺ γὰρ παρέμεινε, καὶ πάντῃ μεγαλέῃ ἐνδοξῶς καὶ ἐπιφανέστατα μαρτυρήσας ἐξῆλθεν τῇ βίῃ. Polycarpus, saith he, was not only a Disciple of the Apostles, and conversed with many of those who had seen Christ, but was also by the Apostles themselves constituted in Asia Bishop of the Church in Smyrna, whom we our selves also did see in our Younger Years, for he continued long, and being very aged, he most Gloriously and Nobly suffering Martyrdom, departed this life. Iren. lib. 3. cap. 3.

He gives us an Account of what Irenæus and Tertullian write concerning the Bishops succeeding the Apostles writing against the Hereticks of those Early Ages, Habemus annumerare eos qui ab Apostolis Instituti sunt Episcopi in Ecclesiis; et Successores Eorum usq; ad nos; qui nihil tale docuerunt neq; cognoverunt quale ab his deliratur, Iren. advers. hæres. Lib. 3. Cap. 3. We are able to number those who by the Apostles were Ordained Bishops in the Churches, and their Successors unto our days, &c.

Tertullian in his Book de Præscrip. advers. hæret. Cap. 32. p. 118. Sicut Smyrnæorum Ecclesia Polycarpum ab Johanne conlocatum refert; sicut Romanorum Clementem à Petro ordinatum edit; perinde utiq; et Cæteræ exhibent quos ab Apostolis in Episcopatum constitutos, Apostolici seminis traduces habent. As the Church of Smyrna had Polycarpus placed there by John, and the Church at Rome Clement Ordained by Peter; so the rest of the Churches did also shew what Bishops they had received by the appointment of the Apostles to propagate the Apostolical Seed.

Thus far the Reverend Primate.

From whence it is as clear as the Brightest day that ever enlightned the World, That Episcopacy is a Government Instituted in the Church by Apostolical Command; and how that should be Unlawful or Anti-Christian, without charging the Holy Apostles, the Pillars and Foundations of the Church, with the horrible Guilt of setting up Antichrist and his Kingdom, I think is impossible to be avoided.

And indeed so Great, so Universal, and so Powerful is the Truth in this particular, that even the greatest Propugnators of Presbyterian Government and Parity have been forced to confess it. Petrus Molinaeus in his Book de Munere Pastoralis, purposely written to defend the Presbyterian Government, acknowledges, That presently after the Apostles time, or even in their time, as Ecclesiastical History witnesseth, it was Ordained, That in every City one of the Presbytery should be called a Bishop, who should have preheminence over his Colleagues to avoid Confusion, which frequently ariseth from Equality, and that truly this Form of Government all Churches every where received.

And Theodore Beza in Tractatu de triplici Episcopatus genere, which he saith was of three kinds, Divine, Humane, and Satanical, attributing to the second, which he calls Humane, but as before is proved plainly, is Apostolical at least, not only a priority of Order, but a superiority of Power and Authority over other Presbyters, yet bounded by Laws and Canons provided against Tyranny, yet is forced to acknowledg, That of this kind of Episcopacy, is to be understood whatsoever we read concerning the authority of Bishops in Ignatius, and other Antient Writers.

June,
1641.

And to any person that will deliberately and without prejudice debate the matter with himself, it will appear, either, that the very Apostles were of the Confederacy to set up Antichristian Government over the whole World, and where ever they founded Churches and Converted Pagans, to bring them into Spiritual *Sodom* and *Egypt*, and Antichristian bondage : Or that the Government is Innocent, Lawful and agreeable to the Will of God, which must of Necessity be best known to those Miraculously inspired Men upon whom the Cloven Tongues of fire descended, which were to *lead them into all Truth* ; and whether this will not bring in Question the truth of the Promise, and of Him who made it, and by Consequence, such a Chain of Atheism and Impieties, as are not fit to be named among Christians, I leave to all men to consider and Judge.

Besides, it is perfectly impossible to considering Men and thinking Minds, to apprehend, that for so many Hundred Years, as from the Apostles Age till of late, among all the Churches of Christians in the World, and among all the Presbyteries that in all those Ages have yielded subjection and been in subordination to this Government of Bishops, there should be none found, whom either Conscience of Duty, the Natural Love of Liberty, or that Aversion which all Mankind have to Pride and the Usurpations of others over them, should not once prevail with them to oppose this General Defection and Apostacy, and Invasion of the Kingdom of Christ and Liberty of Christians.

The Ingenuous will I hope Excuse this Excursion, which though it may appear out of my Road, is not out of my Profession, nor I hope of any Disadvantage to the Reader.

Long-winded Mr. *Thomas* also took the Cudgels in this Quarrel against Church-Government, and shot his Bolt as follows.

Mr. William
Thomas his
Speech against
Deans and
Chapters,
June 11. 1641.

I Have heretofore delivered the Reasons that induced me to yield my several Votes, touching the Corruption and unsoundness of the present Episcopacy and Church Government ; so for the unlawfulness of their intermeddling in Secular affairs, and using Civil Power ; as also the harm and noxiousness of their Sitting as Members in the Lords House, and Judges in that most Honourable and High Court : Now I crave leave to do the like in shewing the Reasons of my Vote concerning Deans, and their Office ; I say that my Opinion then was, and now is, that as the Office is unnecessary, themselves useless, so the substance of the one, and continuance of the other, needless ; nay rather, as I will declare, most hurtful, therefore may easily be spared, nay rather ought to be abolished ; my reasons are these, that the Office of Deans doth neither tend or conduce (as some have alledged) to the honour of God, the propagation of Piety, the advancement of Learning, or benefit of the Common-weal, but *contra*, that they occasion the dishonour and disservice of God, the hinderance, if not destruction of Piety, the suppression and discouragement of Learning and Learned Men, and the detriment and prejudice of Church and Common-weal ; this I conceive I shall make most apparent, if time and your patience will permit : But first I humbly crave leave (and I think it will not be impertinent) to declare what Deans were Originally in their first Birth ; Secondly, what in their encrease and further growth ; and Lastly, their present condition, being at their full, and, as I think, their final period.

As to their Original, it is not to be denied but themselves and Office, are of great Antiquity, Saint *Augustine* declaring both ; but I do not say that it is an ancient Office in the Church, but what Officers Deans then were, be pleased to hear from Saint *Augustine's* own delivery in his Book *de Moribus Ecclesie Catholicae*, if that Book, as also that of *Monachorum* be his, which *Erasmus* and others have doubted : The Monks (saith he) for their more retiredness and better contemplation,

June,

1641;

templation, appointed Officers which they called *Decanos*, the Office of them, and why they were so called, he delivereth in these words as near as I remember, *Opus autem tradunt illis quos Decanos vocant, eo quod sunt deus prapofiti, ut neminem illorum cura sui corporis tangat, neque in cibo, neque in vestimento, neque si quid aliud vel quotidiana necessitate vel mutata (ut affolet) valetudine, hi autem Decani magna sollicitudine, omnia disponentes & presto facientes quicquid illa vita propter imbecillitatem corporis postulet.*

Here we see the Office of Deans in Saint *Augustin's* time, antiquity sufficient, but not antiquity, for being Officers of the Church; therefore they do not rightly plead antiquity, as to the point now controverted, the question being whether the Office as now it is exercised, be the same that it was then; sure they shall find it not only different, but in a manner quite contrary; they are deceived that urge it, but they are to know that this judicious House is able to discern and distinguish a counterfeit Face of antiquity from the true, and in vain do they (with the Gib.) Labour to deceive us by old Sacks, old Shoes, old Garments, old Boots, and old Bread that is dry and mouldy; therefore to no purpose, and causeless do they charge us to affect Novelty, and to offer to take away Church-Governors and Government. What these men, I mean Deans, were Originally, we see, how they came to be Presbyters, and of the Ministers, and for what cause, I shall hereafter declare; but we may not think this charging of us as Innovators strange, when as Christ himself had his Doctrine censured as new; what Doctrine is this faith the *Jews*? *Mark* 1. 17. we are not then to expect that we shall escape the like censure of innovating.

The Servant is not above his Lord, nor the Disciple above his Master; and indeed so Saint *Paul* found it, for the *Greeccians* made the same demand to him: May we (say they) know what this new Doctrine is, whereof thou speakest? *Acts* 17. But let us liberare animas nostras; conscientie satisfaciamus, nihil in famam laboremus, consentiamus in eo quod convenit, non in eo quod traditum.

But to return where I left, granting the Name and Office, we find them to be only Caterers or Stewards, to provide Food and Raiment for the Monks, whose Garments, as they were not costly, so was not their fair dainty, being but Bread and Water, as witnesseth Saint *Jerome*, *Athanasius*, *Theodoret*, and others. And *Surius* in the life of *Pachonius*, written 1200 Years since, testifieth the same. To have the like Imployment now, I neither deny nor envy them.

Well now, Let us see how they increased in authority, and came to be accounted Officers of great Dignity; then thus, when for the Austerity of their Lives, and Opinion of their sanctity, Princes and others did bestow Lands and Revenues upon the Monks, then their *prapofiti* the Deans did partake of their Honors and Possessions, and then began the corruption and poysoning of them; *Tunc venenum infunditum in Decan. religio peperit divitias & filia devoravit matrem.* Answerable whereto is that of Saint *Jerome*, *In vitas Patrum*, since Holy Church increased in Possessions, it decreased in Virtues; the like hath Saint *Bernard*, and many others.

Thus we see that the Spring that was clear in the barren Mountains, descending down to the richer Vallies, becomes thick and muddy, and at last is swallowed by the brinish Ocean; *Salsum perducles imbibit Equor aquas.* But to deliver it in the words of an Honourable Author: Time, saith he, is most truly compared to a Stream that conveyeth down fresh and pure Water into the salt Sea of Corruption, which invironeth all Humane Actions, and therefore if a Man shall not by his Industry, Vertue, and Policy, as it were with the Oar, row against the Stream and Inclination of Time, all Institutions and Ordinances (be they never so pure) will corrupt and degenerate; which we shall see verified in Deans, and their Officers. For now being endowed with great Possessions, it was ordained they should be chosen out of the Presbytery to that place, *Ne sit Decanus nisi Presbyter*, as I find in Saint *Bernard*. Well, did they rest in this State and Condition? No, they must be Civil Magistrates, Chancellors, or Keepers of the Seal, Lord Treasurers, Privy Councillors, or what have they not of Lay-Offices, Dignities and Titles? I will not trouble you with enumeration of particular Deans, I will only cite one, though (if the time permitted) I might incite twenty one, and that is a Dean of *Pauls*, about Anno 1197. who was made Lord Treasurer, who carrying that Office, quickly hoard-

June,

1641.

ed up a great Treasure ; at last falling into a deadly Disease past recovery, he was exhorted by the Bishops and great Men, to receive the Sacrament of Christs Body and Blood, which he trembling at, refused to do ; whereupon the King admonished and commanded him to do it, he promised him thereupon to do it the next Day. Being admonished to make his Will, he commanded all to avoid the Room but one Scribe. Who beginning to write his Will in the accustomed Forms, In the name of the Father, of the Son, &c. The Dean perceiving it, commanded him in a Rage to blot it out, and these Words only to be written : I bequeath all my Goods to my Lord the King, my Body to the Grave, and my Soul to the Devils ; which being uttered, he gave up the Ghost. The King hereupon commanded his Carcass to be carried in a Cart, and drowned in the River. Good God, what a Change is this from being humble Servants to poor Monks, to become proud Prelates, Peers to Princes. *Quantum mutati ab illis, nunc Cigni qui modo Corvi* : They now forsake their *Templa paupertatis, & Templa pietatis, tanquam noxia numina*, and only allow and make choice of *Templa honoris, & Templa fortune*. They then took care for the poor Monastery, but now poorly care for the Ministry, and to speak no less truly then plainly, they do either just nothing, or (what is worse) nothing that is just. But not to trace them further, Let us examine what their present Office is, which we find so honoured and dignified.

In the Constitutions of Henry the eighth, and Edward the sixth, thus I read, *Decani quoque cum in Clero amplam dignitatem & locum honoratum in Ecclesia sortiantur Presbyteri sunt, viri graves docti & magna prudentia insignes Cathedrales Ecclesias juxta illarum Constitutiones regant, Collegio tam Canonicorum quam Clericorum Ecclesie majoris presint, neque disciplinam labi sinant, provideantque summa diligentia ut in sua Ecclesia sacri ritus ordine ac justa ratione peragantur, utque omni ordine & convenienti gravitate ad fratrum utilitatem agantur, ut Archidiaconi foras sic illi domi hoc est in Ecclesia Cathedrali & ejus Canonicis & Clericis Episcopo sint adjumento, quasi duo ejus membra utilissima & necessaria. Quare nec Decani abesse debent à sua Ecclesia sine maxima & urgentissima causa ab Episcopo approbanda.* I have delivered the whole Chapter intire, because I would deal clearly.

Afterwards in the ninth Chapter, I read preaching to be part of their Duty, *Concionem habeat Decanus in Ecclesia Cathedrali singulis diebus dominicis.*

Thus their Office is declared to be these Particulars following.

1. To rule and order the Church, and to look to the repair, and for the decoration thereof, as is also elsewhere enjoyed.
2. To preserve Discipline and Holy Rites.
3. To be adjuments or assistants to the Bishops in Cathedrals, as be the Archdeacons abroad.

Part of which Assistance is, as seemeth, to preach for them, but the Bishops will excuse them that service as too painful, nay forbid it as too dangerous ; but though they will not busie themselves in preaching, yet have they leisure to be inventive and operative in poor beggerly toys and trifles, which neither bring Honour to God, nor good to the Church and People ; their Preaching and godly Life, did anciently winn the Peoples Hearts to love God, and them as his Ministers, whom they received as Angels of God, Ambassadors from Heaven : Humility, Piety and Industry laid the Foundation of all those magnificent Structures, Dignities, Titles, Places, Revenues and Priviledges wherewith the Churchmen were anciently endowed, what hath or is likely to demolish them is easie to conjecture ; King James hath delivered it in these Words. The natural sickness that hath ever troubled and been the decay of all Churches since the beginning of the World, hath been Pride, Ambition, and Avarice, and these Infirmities wrought the overthrow of the Popish Church, in this Country and divers others ; but the reformation of Religion in Scotland, was extraordinarily wrought by God, though many things were inordinately done by such as blindly were doing the Work of God. Thus far that wise and religious Prince.

But lest I should forget a principal part of the Office, Church Musick, it shall have here the first Place, the rather, for that as I read, the first coming in thereof, was to usher Antichrist ; for I do find in my reading, that Anno Dom. 666. the Year that was designed or computed for the coming of Antichrist, Vitalian Bishop of Rome, brought into the Church singing of Service, and the use of Organs,

gans, &c. As we read in *Plat. Balens*, and others, in the life of *Vitalian*, who therefore was called the Musical Pope, although at that time there was greater occasion of Sorrow, the *Longobards* having entred and wasted *Italy*, and therefore fasting and praying had been more proper then Musick, and melodious singing. Hereupon (saith mine Author) ignorance arose among the People, lulled, (as it were) asleep by the confused noise of many Voices. This carried colour of advancing Devotion, although it was no better (as the case then stood) then the Altar erected to the unknown God, *Acts 17*. Hereby the Key of Knowledg was hid, *Luke 11*. When the common People understood not what was sung, and the heat of Zeal was quenched in Men of understanding, whose Ears were tickled, but Hearts not touched, whilst (as Saint *Augustine* complaineth of himself) so most were more moved by the sweetness of the Song, then by the sense of the Matter, which was sung unto them, working their bane, like the deadly touch of the Aspis in a tickling delight, or as the soft touch of the Hiena, which doth infatuate and lull asleep, and then devoureth; if Service in the Latine or unknown Tongue, whereof the simplest People understood somewhat, was justly censured, certainly this manner of singing *Psalms*, and Service, whereof the most learned can understand nothing, is to be condemned; I dislike not singing, though by Musick of Organs and other Instruments, but I wish that what is sung may be understood; and as *Justinian* the Emperor commanded all Bishops and Priests, to celebrate Prayer with a loud and clear voice, *non tacito modo*, that the Minds of the Hearers might be stirred up with more Devotion to express the Praises of God; so wish I, that Service and *Psalms* may be so Read and Sung, that they may be understood, and so edify the Mind, as well as please the Ear.

Now I am to declare that this Office doth neither tend to the Honour of God, the propagation of Piety, the advancement of Learning, or benefit of the Common-weal, but to the contrary, as I have delivered, rather to the dishonor, &c. But the Day being so far spent, I will not assume too much boldness to press upon your Patience, for further hearing thereof, but will crave leave for further rendring thereof, at fitter opportunity, and for better conveniency.

In the Lords House the Lord Bishop of *Winton* reported the Conference delivered from the House of Commons touching the Canons made at the late Synod.

Then the Votes of the Commons being read, the Lords Voted the same *verbatim; viz.*

Resolved upon the Question, That the Clergy of England convented in any Convocation or Synod or otherwise, have no Power to make any Constitutions, Canons or Acts whatsoever in matter of Doctrine and Discipline, or otherwise, to bind the Clergy or the Layety of this Land, without Common consent of Parliament.

Resolved, &c. nullo contradicente, That the several Constitutions and Canons Ecclesiastical treated upon by the Archbishop of Canterbury and York, Presidents of the Convocations for the respective Provinces of Canterbury and York, and the rest of the Bishops and Clergy of those Provinces, and agreed upon with the Kings Majesties Licence in their several Synods begun at London and York, 1640, do not bind the Clergy or Laity of this Land or either of them.

Resolved, &c. That these Canons and Constitutions Ecclesiastical treated upon by the Archbishops of Canterbury and York, Presidents of the Convocations for the respective Provinces of Canterbury and York, and the rest of the Bishops and Clergy of those Provinces, and agreed upon by the Kings Majesties Licence in their several Synods begun at London and York in the Tear 1640, do contain in them many matters contrary to the King's Prero-

June,
1641.

The Lords
Votes about
the Canons,
the same with
the Commons.

June,
1641.

Mr. Tailor discharged from the Tower.
Saturday,
June 12.
Order about Disbanding the Army.

Sir will. with-
rington and
Mr. Herbert
Price Petition
the House.

Mr. Henry Percy's Letter to the Earl of Northumberland concern-
in the business of the Army.

Prerogative, to the Fundamental Laws and Liberties of the Realm, to the Right of the Parliaments, to the Property and Liberty of the Subjects, and Matters tending to Sedition, and of a dangerous Consequence.

Resolved, &c. That the several Grants of the Benevolence or Contribution granted to his Majesty by the Clergy of the Provinces of Canterbury and York, Anno Domini, 1640, are contrary to the Law, and ought not to bind the Clergy.

This Day also a Bill against Ship-Money was read the first time.

Mr. Tailor late Burgees of Windsor was also this day discharged from the Tower.

The Commons fell upon the Consideration of Disbanding the Army, and it was Ordered, That the Souldiers should be allowed Eight pence for every Fifteen Miles, to be conducted 300 in a Company homewards, and not more; their Arms to be all taken from them and laid up at York, Hull, and other Convenient Places; the Scots and English to be Disbanded at the same time.

A Petition was read, wherein Sir William Withrington and Sir Herbert Price made their humble Submission to the House, and desired to be released from their Imprisonment in the Tower, but nothing was done upon it.

The Earl of Northumberland sent a Message to the Commons, to let them know he had received a Letter from his Brother Mr. Henry Percy, and that if they would send some of their House, they should have an account of it. Whereupon Mr. Hollis and some others were sent to his Lordship. The Letter was in these words,

WHat with my own innocency, and the violence I hear is against me, I find my self much distracted, I will not ask your Counsel, because it may bring prejudice upon you, but I will with all faithfulness and truth, tell you what my part hath been, that at least it may be cleared by you, whatsoever becomes of me.

When there was 50000l. designed by the Parliament for the English Army, there was, as I take it a sudden demand by the Scots at the same time of 25000 Pounds, of which there was 15000l. ready; this they pressed with much necessity, as the Parliament, after an order made, did think it fit for them to reduce 10000l. out of the 50000l. formerly granted; upon which the Souldiers in our House, were much Scandalized, amongst which I was one, and sitting by Wilmot and Ashburnham, Wilmot stood up and told them, if that the Scots would procure Money, he doubted not but the Officers of the English Army might easily do the like: but the first order was reversed notwithstanding, and 10000l. given to the Scots, this was the cause of many discourses of dislike amongst us and came to this purpose, that they were disobliged by the Parliament and not by the King; this being said often to one another, we did resolve that Wilmot, Ashburnham, Pollard, Oneale, and my self to make some expressions of serving the King in all things he would command us, that were Honourable for him and us, being likewise agreeing to the Fundamental Laws of the Kingdom, that so far we would Live and Die with him; this was agreed upon with us, not having any Communication with others, that I am coupled now withal; and further by their joynt consent, I was to tell his Majesty thus much from them; but withal I was to order the matter so, as the King might apprehend this as a great Service done unto him, at this time when his Affairs were in so ill a condition, & they were most confident, That they would engage the whole Army thus far, but farther they would undertake nothing, because they would neither infringe the Liberties of the Subjects, nor destroy the Laws; to which, I and everyone consented, and having their Sense, I drew the Heads up in a Paper, to the which they all approved, when I read it; and then we did by an Oath promise one another to be constant and secret in all this, and did all of us take that Oath together; then I said, Well Sirs, I must now be informed what your particular desires are, that so I may be the better able to serve you, which they were pleased to do, and so I did very faithfully serve them therein,

therein, as far as I could : this is the truth, and all the truth, upon my Soul. In particular discourses, after that, we did fall upon the Petitioning to the King and Parliament for Moneys, there being so great Arrears due to us, and so much delays made in the procuring of them ; but that was never done.

June,
1641.

1. Concerning the Bishops Functions and Votes.

2. The not Disbanding of the Irish Army, until the Scots were Disbanded too.

3. The endeavouring to settle his Majesties Revenue to that proportion as formerly.

And it was resolved by us all, if the King should require our assistance in those things, that as far as we could we might contribute therunto, without breaking the Laws of the Kingdom. And in case the King should be denyed those things, being put to them, we would not fly from him ; all these persons did assent and concur in this as well as I : this being all imparted to the King by me from them, I perceived he had been treated with by others, concerning some things of our Army, which agreed not with what was purposed by me, but inclined a way more sharp and high, not having limits either of Honour or Law : I told the King he might be pleased to consider with himself, which way it was fit for him to hearken unto ; for us, we were resolved not to depart from our grounds, we should not be displeased, whosoever they were, but the particular of the designs, or the persons, we desired not to know, though it was no hard matter to guess at them. In the end I believe the danger of the one, the justice of the other, made the King tell me he would leave all thoughts of other propositions, but ours, as things not practicable, but desired notwithstanding, that Goring and Jermin, who were acquainted with the other proceedings, should be admitted amongst us ; I told him I thought the other Gentry would never consent to it, but I would propose it, which I did, and we were all much against it, but the King did press it so much, as at the last it was consented unto, and Goring and Jermin came to my Chamber ; there I was appointed to tell them after they had sworn to secrecy, what we had proposed, which I did. But before I go into the debate of the way, I must tell you Jermin and Goring were very earnest Suckling should be admitted, which we did all decline, and were desired by all our men to be resolute in it, which I was, and gave many reasons : Whereupon Master Goring made answer he was engaged with Suckling his being employed in the Army, but for his meeting with us, they were contented to pass it by. Then we took up again the ways which were proposed, which took great debate, and theirs differed from ours in violence and height, which we all protested against, and parted disagreeing totally, yet remitted it to be spoken of by me and Jermin to the King, which we both did. And the King constant to his former resolutions told him, these ways were all vain and foolish, and would think of them no more. I omit one thing of Mr. Goring, he desired to know how the Chief Commanders were to be disposed of, for if he had not a condition worthy of him, he would not go along with us : we made answer that no body thought of that, we intended, if we were sent down, to go all in the same capacity we were in : he did not like that by any means, and by that did work so with Master Chidley, that there was a Letter sent by some of the Commanders, to make him Lieutenant General ; and when he had ordered this matter at London, and Master Chidley had his instructions, then did he go to Portsmouth, pretending to be absent when this was a working, we all desired my Lords of Essex and Holland, that if there were a General at Newcastle, they were pleased to give report that I should be General of the Horse ; but I protest, neither to the King nor any else, did I ever so much as think of it ; my Lord of Holland was made General, and so all things were laid aside. And this is the truth, and all the truth I knew of these proceedings, and this I will and do protest unto you upon my Faith ; and Wilmot, Ashburnham, and Oneale have at several times confessed and Sworn, I never said any thing in the business, they did not every one agree unto and justify. This Relation I sent you rather to inform you of the truth of the matter, that you may the better know how to do me good ; but I should think my self very unhappy to be made a betrayer of any Body. What concerned the Tower or any thing else, I never meddled withal, nor ever spake with Goring ; but that night before them all, and said nothing but what was consented unto by any Party : I never spake one word with Suckling, Carnarvan, Davenant, or any other Creature. Me thinks if my Friends and Kindred knew the truth and justice of the matter, it were no hard matter to serve me in some measure.

Upon

June,
1641.

Munday,
June 14.
Commissary
Wilmot, Col.
Ashburnham &
Col. Pollard
imprisoned
upon suspicion
of H. Treason.
† Sir John
Berkley & Mr.
Dan. Oneal sent
for as Delin-
quents upon the
same account.
* Sir Will. Widd-
drington and
Sir Herbert
Price discharged
from the
Tower.
(a) Afternoon-
Sermons Voted
to be in
Cathedrals.
(b) Report of
the Conference
about Dis-
banding the
Armies.

Upon the reading the Transcript of this Letter, of Mr. Percy's to the Earl of Northumberland, in the House of Commons, Commissary Wilmot, Capt. Ashburnham, and Capt. Pollard, being found to be concerned in this matter of the Army, were sent Prisoners, Wilmot to the Tower, Ashburnham to the Kings-Bench, and Pollard to the Gatehouse, for suspicion of High-Treason.

† Sir John Berkley and Mr. Daniel Oneal were ordered to be sent for as Delinquents upon the same account.

* Sir William Widdrington and Mr. Herbert Price were this day Discharged from their Imprisonment in the Tower, and restored to their Sitting as Members in Parliament.

(a) A Vote passed this Day, *That in all Cathedral Churches there should be Sermons in the Afternoons.*

(b) The Earl of Bath Reports the Conference Yesterday with the House of Commons delivered by Sir John Hotham to this Effect; *That the House of Commons had taken into Consideration the Vast Charge that the Kingdom lyes under by maintaining the Two Armies, that they have used their utmost Endeavours in providing Money for Disbanding them; That Necessity Enforceth them to Disband the King's Army by Parts, as they shall be able to provide Money, and the Scottish Army wholly and altogether. That in Disbanding the Army, they will first disband those that lye in the most Southern Parts; That they intend to Disband Five Regiments, whereof they intend that the Regiment of Hull shall be the first, then the Earl of Nidesdale's Company which is put under the Regiment of Sir Charles Vavasor, and so other Regiments shall march first to give way for the rest to march, and that they shall not march above 300 in a Company.*

The Earl of Bristol Reported Heads which the Lords Committees drew up in the Morning, to be propounded at a Conference touching the Disbanding of the Armies; *viz.*

That a Total Disbanding be propounded, as that which is thought necessary in the first place to be desired; if for doing this they are not provided for the present, this House will be ready to give them all possible Assistance for perfecting this great Work.

And that if the Commons shall make an Estimate of what will be wanting to the Total Disbanding, the House of Peers will joyn with them most readily; for untill a full Disarming and Disbanding of the Armies be Resolved and Declared, it is much to be doubted, that there will be greater difficulty in raising Money or getting Credit: and therefore it is desired to imploy all our Just Endeavours for a Total Disbanding of both Armies.

If there be not a possibility presently to Disband all the Five Regiments being to be disbanded, it is held fit that it be propounded to the Scots, That they at the same time retire at least from the River Tees homeward, and Ship their Field Ordnance at Newcastle; and that the English likewise retire their Ordnance and Train of Artillery.

Mr. Allen Blany Curate of Newington in Surrey, was this Day ordered to be Summoned to attend the House for Preaching against the Protestation, Affirming, *That the Parliament is able to Confirm a Law, but not to Make a Law to bind him against his Conscience; and for offering a Protestation of his own to make good the 39th Article, to which he subscribed his hand, and left it with the Church-wardens.*

Tuesday,
June 15.
Mr. Blany to
be brought
before the
Parliament
for Preaching
against the
Protestation.

The

The Debate concerning Deans and Chapiters was also Revived, upon which occasion Mr. *Pury* an Alderman of *Glocester* made this following Speech, the House being in a Grand Committee of the whole House.

June,
1641.

Mr. *Hide*,

I Rise not up to answer the Argument of the Learned Gentleman of the Long-Robe that spake last, the which were to prove some Incoherence of the Preamble, with the body of the Bill concerning the Abolishing of Deans and Chapiters, in respect of their Government in the Church of *England*, who have none at all, as hath been argued; but there are some Reasons stick with me, whereby I do conceive, that the Deans and Chapiters have been, and are part of the Government of the Church of *England*, and that the Preamble and body of this Bill, therein may very well stand together; for if you take the Deans and Chapiters in their Original, who (as it was said by a Learned Serjeant over against me) were first founded in Superstition alike to your Regular and Secular Monks; or if you consider them as an Institution to be *Consilium Epif.* to assist Bishops in their Government and Discipline; or if you look upon those Deans and Chapiters of the last Foundation by *Henry* the Eighth: yet certainly they are in all these capacities a part of the Government of the Church of *England*; and as well the Rural, as the Cathedral Deans, are numbred by our own Writers among Church-Governors, and they are in and among themselves a part of the Church-Government; and by the Book of Reformation of Ecclesiastical Laws, they are to govern them according to their Statutes of Foundation, and to keep them pure and entire, so far as they are not repugnant to the Word of God, and our Constitutions of Religion. And for the better satisfaction of this Committee and my self, here is a Copy of the Statutes, Grant, and Foundation of the Dean and Chapter of the City of *Gloucester*, I have read them over, and do find, First, the end wherefore the Lands and Possessions were granted unto them, Secondly, the manner and Form of Government of themselves. And Lastly, their several Oaths to keep all the Statutes prescribed unto them: And because of my weak Memory, please you to give me leave to read the words in the King's Grant Englished thus;

Mr. *Pury* Alderman of *Glocester*, his Speech against Deans and Chapters, June 15. 1641.

We have Erected and Constituted Cathedrals and Colledges in the place of Monasteries, to the end, that where Ignorance, and Superstition did Reign; there the sincere Worship of God should Flourish, and the Holy Gospel of Christ Jesus should be daily and purely Preached. And further, that the encrease of the Christian Faith Piety, and the Instruction of Youth in good Learning, and the Sustainment of the Poor, should be for ever there kept, maintained and continued; and the said Dean, Prebends, Canons, and all other Persons belonging to the said Cathedrals and Colledges, are to be Governed and Ruled according to the Statutes prescribed unto them.

Sir, The Statutes are many, I will in brief tell you the Substance of some few of them. The said Deans, Prebends, and Canons, are always to reside and dwell in the Houses of the said Cathedrals, and there to keep a Family, good Hospitality, to Feed the Poor, and to distribute Alms unto the needy, to be careful to Preach the Word of God, *In Season, and out of Season*, and to sow the Seed of the Word of God abroad, but especially in the said Cathedral Church, and to have Youth profitable taught there. And to the end that they all Serve God, as well at Meals, as in the Church, they are to have a Common Table in the Common Hall of the said Cathedral, where the said Canons, Scholars, Quiresters, and under-Officers are appointed to Eat together, and the said Dean and Chapter, are to give Yearly Twenty Pound to the Poor, beside their own Poor Alms-men, and Twenty Pound more Yearly towards the Repairing of Bridges, and Highways thereabouts.

Sir, For the performance of the said Statutes, and Premises, The said Deans, Prebends, Canons, and Ministers of the said Cathedral do, or ought respectively to take an Oath; and thereby in express words do call God to witness, and do Swear upon the Holy Evangelists, to Rule, Govern and behave themselves well, and faithfully in the said Church, according to the Will and Statutes of the Founder, and every one of them do Swear, that he will to his

June,

1641.

utmost Power, well and faithfully, keep all and singular the said Ordinances and Statutes, as much as concerns himself, and will procure all others as much as concerns them to keep the same inviolably, So help him God, and these Holy Gospels of God.

Master *Hide*, You see wherefore the Lands were granted unto Deans and Chapters, what their Statutes are, and their Oaths to keep them: It might be thought that these men do know a way, another, or nearer way to Heaven than they teach us; or otherwise that they would not sit in the Seat of Perjury, as it may seem they do, without remorse of Conscience: For it is notoriously known to the City of *Gloucester*, and Country thereabouts, That not one of the said Statutes before mentioned, are, or ever were, during my remembrance, kept, or the matters contained in any of them, performed by any of the Deans or Prebends of the said Cathedral; They come indeed once a year to receive the Rents and Profits of the said Lands, but do not distribute unto the poor and needy, their Portion, neglecting altogether the mending of the High-ways and Bridges, and do not keep any common Table at all: and instead of Preaching the Word of God themselves, *In Season, and out of Season*, they are, and have been the chief Instruments to hinder the same in others. Infinite are the Pressures that many Cities near unto Deans and Chapters, have endured by them, and their procurement. And whereas it was objected by another Learned Gentleman of the Long Robe, That the Deans and Chapters are a Body Corporate, and that they have as much right unto their Lay-Possessions as any other Body Politick, or any City, or Town Corporate; I am of his opinion, for such Lands and Possessions (if they have any) which they bought themselves in right of their Corporation, or for such Lands were given them for their own use, and I am well contented that such Lands should be left unto them; but their case is far different in my opinion; for I have shewed you before, to what Godly, Pious, and Charitable uses the said Lands and Possessions were granted unto them: And suitable thereunto you may call to mind the *Londoners* Case, about *Londonderry* in the Star-Chamber, where they were fined 70000 Pound to his Majesty, and the same afterwards estreated into his Majesties Exchequer. But upon the Writ of Extent issuing out thereupon, His Majesty, as I have heard, received no benefit of any such Lands, whereof the Corporation was Siezed for the maintenance of any Hospitals, Bridges, or other Charitable uses, or ought to have done, as I conceive. Seeing therefore the said Deans and Chapters are but Trustees, and the profits of the said Lands, so ill employed by them, contrary to that trust reposed in them; I am clear of opinion, that by a Legislative power in Parliament, it is fit to take them away, and to put them into the hands of Feoffes to be disposed of to such Pious, Religious, and Charitable uses, as they were first intended: But it was said by a worthy Knight, That he should be unwilling to take away their Lands and Possessions, untill he first knew how they should be disposed of, and how the Persons, who were many thousands in this Kingdom (as he said) that would want Bread, should he be provided for. Certainly Mr. *Hide* (although that is not the work at this time) yet I account it no difficulty to satisfy that worthy Knight; for I find upon the Survey of the Lands of the said Deanery of *Gloucester*, that it hath above twelve Rectories of good value, and about thirty Vicarages, Pensions, and Portions of Tithes; which being at the first, *Deo consecrata*, most fit they should be still employed for the maintenance of the Gospel; and therefore if those Deans and Prebends being but Seven in all to be now taken away, will be Preaching Ministers, there is, I hope, sufficient maintenance for so many of them as have not too much, besides, and yet to reserve as large a Salary as now they have for so many Singing Men there in Holy Orders that cannot Preach. And then there are left to be provided for, but the Organist, eight Singing Boys, two School-Masters, four Poor Almsmen, and some under-Officers, whose yearly Wages, come unto about one Hundred Pound *per annum*; and the said Dean and Chapter have almost the third part of the Houses of the City of *Gloucester*, the old Rent of them being yearly about 175. Pound, which will well defray that Charge with a sufficient Surplusage for Repairing the High-ways, Bridges; and Twenty Pounds yearly to the Poor, as is aforesaid.

But

June,
1641.

But over and besides, the said yearly Revenues before mentioned, the said Dean and Chapter of *Gloucester*, although but of the last Foundation, and one of the least Revenues in this Kingdom, yet they have Eighteen goodly Mannors, and also divers other Lands, Tenements, and Heriditaments, besides the Mannors, Houses, and Premises, the old Rent of Assize, of one of the said Mannors, being 80 Pound *per annum*; out of which Mannors and Lands, the said Cathedral being to be made a Parochial Church, 200 Pound *per annum*, or more may be allowed for a Learned Preaching Minister there, and a Hundred Pound a year apiece, for two such others to assist him, which in few years, one of the said Mannors will discharge, and also sufficiently Repair the said Cathedral Church; and then the rest of the said Mannors and Lands may be employed to other Godly, Pious, or Charitable uses, as the Wisdom of the King and Parliament shall think fit, and suitable to this; but in a more ample proportion of maintenance, will be the allowances of all other Deanaries in *England*.

Again, this I conceive will answer another Objection raised by a Worthy Knight at the Bar, touching the Poverty of the Clergy of *England*, if this Bill should take effect, surely my Opinion is quite contrary; and to that purpose, I call to mind the saying of a Learned Divine, Chaplain to a Nobleman, upon some Conference with him of our wished desire to remove Scandalous Ministers, and to reduce the Impropropriations of Bishops, and Deans and Chapters to a Preaching Ministry: if these things, said he, take effect, the Universities will not be able to supply the Churches: and surely Sir, if these things take effect, I am confident we shall be so far from having a Poor beggerly Clergy, as that no Kingdom in the *Christian* World will have a more Rich, and Flourishing Clergy, both for Nurseries, and Incouragements of Learning, and for their maintenance in more plentiful manner then it is at this present. Please you therefore to put the Question, I am ready to give my aid thereunto.

Whereupon it was Debated and strongly Urged by the Faction, That there should from henceforth be no more Deans and Chapiters, Chancellors, or Commissaries, Arch-Deacons, Deans, Prebendaries, Chanters, Canons or Petty Canons, or any other their Officers within this Church or Kingdom; and that all Lands and Revenues belonging to them should be taken away and disposed of to the advancement of Learning and Piety; and that such of them as have no other subsistence but those Places, and not Delinquents, should have a Competent allowance for the term of their Lives.

Thus did they cover their Covetous Designs of Devouring the Church Revenues, with the specious pretences of advancing Learning and Piety: But the Event proved their Hypocrisie, for when they had taken these Lands from the Legal Possessors of them, Piety and Learning found so little a share of the Booty, that even their own Hirelings of the Presbytery who had assisted them with their mercenary Lungs to Rob the Church, were so far from getting any thing by it, that with much to do they Escaped having their own Skins, their Tithes and Glebe, pulled over their Ears; making good the Apologue of the Lion and his Fellow Huntsmen by their Folly and Indiscretion, not to call it Rapine and Sacriledg.

The House of Commons was this Day wholly taken up with the further Examination of Col. *Goring* about the matter of the Army.

Upon reading of a Petition of the Inhabitants of *St. Saviours Southwark*, complaining against *William Sonyter*, *William Shepheard*, *Toby Gratwick*, *Hugh Barcock*, *George Ewer*, *George Pitcher*, *Thomas Loe*, &c. for their pressing into the Church of the said Parish, and violent breaking and pulling down the Railes about the Communion Table, in an Insolent, and Tumultuous manner, the Parties complained of were

Wednesday,
June 16.

The Lords
Order about
those who
committed
the disorders
at *St. Saviours*
and *St. Olaves*
Southwark.

June,
1641.

brought to the Barr, and their Council were admitted to speak for them, and after a full hearing of both Parties, and several Witnesses Examined on either side, it did appear unto the House, that the said Parties were guilty of the said Complaints laid against them in the Petition: Thereupon it is Ordered, *That new Railes shall be forthwith set up by the appointment of the Churchwardens of the said Parish, about the Communion Table, in the same manner as they have been for the space of Fifty Tears last past, but not as they were for four or five Tears last past, and this to be done at the Costs and Charges of the abovesaid Delinquents. And further, That they shall make a Publick Acknowledgment of their faults in the Body of the Church, upon a Sabbath Day when the Congregation shall be present. And lastly, That they shall stand Committed to the Fleet during the Pleasure of this House.*

Also upon reading of the Petition of the Minister and the Inhabitants of St. Olaves Parish in Southwark, against Robert Wainman, George Bonace, Hugh Evans, and John Moor, for making and causing to be made a great Tumult and Disorder in the Church of the said Parish, in the time of the Administration of the Blessed Sacrament, and for the hinderance of the performing of the same, and for the great abuse of the Minister that administred the same, and for using irreverent speeches when the said Duty was performing; the Parties aforesaid were brought to the Barr, and admitted to speak for themselves; and after a full hearing of both sides, and Witnesses Examined, it appeared to the House, that the said Parties complained of were guilty of the Complaints laid against them. Whereupon the House did think fit and Ordered, *That the said Robert Wainman and George Bonace for their said Offences, shall stand committed unto the Prison of the Kings-Bench forthwith, and there to continue for the space of Six Months without Bail or Mainprize. And that they shall stand upon a High Stool in Cheapside, and Southwark, for two hours together upon two Market-Days, and acknowledg their Faults publicly. And lastly, That they shall pay 20 l. Fine to his Majesty, and to be bound to their good Behaviour. And it is further Ordered, That the said Hugh Evans and John Moor, shall forthwith stand Committed to the Kings-Bench until they find Sureties to answer at the next Assizes to be kept for the County of Surrey, their Faults and Offences in the disturbing and hindering the Administration of the blessed Sacrament, who are there to be proceeded against according to Law. And that Robert Osbalston Gent. and Richard Cant, shall enter into Recognizance before Sir John Lenthall Knight, one of his Majesties Justices of the Peace for the County of Surrey, to appear at the next Assizes, and prosecute against the said Hugh Evans and John Moore, for their Offences aforesaid.*

Thursday,
June 17.

The State of the Accounts of the *English* and *Scottish* Armies were brought into the Commons House, by which it will appear at what a Rate the Reformation was to be purchased, when the first Account Run so high.

The State of
the Account
of the Armies.

It appeared that there was due to the Kings Army	462050
There hath been paid to the Kings Army	150000
Rests due to the Kings Army	312050
There is due to the <i>Scottish</i> Army	216750
Due to the <i>Scots</i> for Shipping	4000
Total	

Total due to the Scots	220750
There hath been paid to the Scots	105000
Rests due to the Scots	115750

June,
1641.

Total due to English and Scots	427800
Brotherly Assistance to be paid presently	80000

To pay this there is in View

Due from the Customers upon Composition	150000
Due from the Petty-Customers Composition	15000
From the City promised to be Lent	40000

Total	205000
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To be provided more	302800
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Off the Old Subsidies	300000
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New Subsidies	400000
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Customers	165000
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Total raised and to be raised	865000
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The Debate about the Poll-Bill was this Day agitated in the House of Commons; whereupon it was agreed,

Friday,
June 18.

That every Duke shall pay 100 pounds. Every Marquess 80 pounds. Every Earl 60 pounds. Every Viscount 50 pounds. Every Lord 40 pounds. Every Bishop 60 pounds. Every Dean 40 pounds. Every Canon Residentiary 20 pounds. Every Prebendary 10 pounds. Every Rector for 100 l. *per annum* 5 pounds. Every Baronet and Knight of the Bath 30 pounds. Every Knight 20 pounds. Every Esquire 10 pounds. Every Gentleman of 100 l. *per annum* 5 pounds. Aldermen of London the same Rate with Knights. And for other Persons all above the Age of 16 Years, Except such as receive Alms, to pay 12 pence *per pole*.

Votes and
Rates of the
Poll-Bill.

Recusants of all Ranks to pay double. Lord Mayor of London 40 pounds. Aldermen Knights 20 pounds. Aldermen Deputies 15 pounds. Common Council men 5 pounds. Master and Wardens of the 12 Companies 10 pounds. Every one of the Livery 5 pounds. Master and Wardens of the other Companies, and such as have fined for Master or Wardens 5 pounds. Every one of the Livery 50 shillings. Every Freeman of the 12 Companies 20 shillings. Every Freeman of the other Companies, except Porters and Watermen 20 shillings.

Every Merchant Stranger being a Knight 40 pounds. Every Merchant Stranger at Sea 10 pounds. At Land 5 pounds. English Merchants in Land not Free 5 pounds. Factors 40 shillings. Handicrafts-men Strangers 2 shillings *per pole*. If House-Keeper or Papist 4 shillings. Widows according to the Degrees of their Husbands. Serjeants at Law, 20 pounds. Kings Serjeants 25 pounds. King, Queen, and Princes Council 20 pounds. Dr. of Law and Physick 10 pounds. If Papists 20 pounds. Arch-Deacons 15 pounds. Chancellors and Commissaries, 15 pounds. Every man of 100 pounds, 5 pounds. Every man of 50 l. *per annum*, 50 shillings. Every one that can dispend 20 pounds *per annum*, 5 shillings.

Saturday,
June 19.
Bill against
Pluralities and
Non-residence
passed the
Commons.

The Bill against Pluralities and Non-Residence was this day read the third time in the Commons House, and being passed was carried up to the Lords for their Assent. By this Act it was provided, That whosoever had two Livings, should before the 21 of September next following

June,

1641.

The Bill a-
gainst Plurali-
ties brought
up to the
Lords.

Bill against
Ship-Money
read a second
time.

The Bill of
Tonnage
and Poundage
passed the
Lords House.

Monday,
June 21.
Goring further
Examined.

ing resign one of them. And that if any Clergy-man should be absent at any time 60 days from his Living, he should *ipso facto* forfeit it.

A Message was brought from the House of Commons by *John Hampden* Esq; who brought up a Bill which had passed the House of Commons, Entituled, *An Act against the enjoyment of Pluralities of Benefices by Spiritual Persons, and Non-residence.* And desires that their Lordships would give such dispatch to the Three Bills lately sent up, 1. Concerning the Star-Chamber and the Privy Council. 2. Concerning the High Commission Court. The Third, Concerning disarming of Recusants, as may stand with their Lordships conveniency. Upon which the said Bill was read the first time.

The Bill against Ship-mony was also read a second time.

This day was read the third time the Bill Entituled, *An Act of a Subsidy granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported:* And being put to the Question, it was Resolved *Nemine Contradicente*, to pass as a Law; and the L. Great Chamberlain, L. Steward, L. Chamberlain, E. *Holland*, were appointed from this House to move his Majesty to appoint a time to give his Royal Assent.

This day Colonel *Goring* was again Examined by the House upon several Interrogatories, upon which he deposed, *That Sir John Suckling first told him of that design about the middle of Lent last, and that afterwards meeting with Mr. Jermyn, he desired that he would meet him at White-hill on the Queens side, for that he was to speak with her Majesty, and would confer with him concerning the Army; where meeting at the Queens drawing Chamber, her Majesty told him the King would speak with him; whereupon meeting with the King, his Majesty told him that he was minded to set his Army into a good Posture, being advised thereto by my Lord of Bristol, as he said, and his Majesty then commanded him to joyn with Mr. Percy and some others in that business.*

Now because hereafter when the Faction flew out into open Rebellion, they did endeavour to improve this into a scandal against the King, as if he were in the design to bring up the Army against the Parliament, thereby to render him odious to his Subjects, and especially the Non-conformists, who made the House of Commons their great Idol, the Reader is desired to compare this Passage of *Goring's* Deposition, wherein he tacitly seems to bring the King in as the Author of his entring into the Confederacy; whereas in that first confession of his, he gives an account that he fell in among them upon the account of the Discourse of endeavouring the redress of the Grievances of the Army; and that thereupon finding them full of discontents, and as he thought, entring upon Resolutions of dangerous Consequence to the Common-wealth, and his Majesties safety, he continued his Correspondency with them, and took the Oath of Secrecy, purposely with an intention to disclose the matters, and discover them to the Parliament; in proof of which original intention of his Confederating with them, he tells us, *He had beforehand provided for his own security by imparting the matter to some great Lords, telling them that in a little time he should have occasion as he thought to acquaint them further with some things of great importance.*

Monday,
June 21.

The House was this day Resolved into a Grand Committee of the whole House upon the Debate of the Root and Branch Bill, upon which occasion

occasion Sir *Edward Deering* made this following Speech, as I find it in his Book of Speeches, printed and published for his own Vindication.

1641.

Mr. *Hide*,

YOU have here a Bill, but such a one as is likely to be short-liv'd, and not grow into a perfect Act, unless you please to add thereunto some very Important, very significant *provisō's*, such wherein we may have, or whereby we may be assured in another Bill to have a future Government, in room of this that goes out. I am confident the Lords will otherwise debate and dispute your Bill quite out of doors.

Sir *Edward Deering's* Speech about Episcopal Government, *June 21. 1641.*

Sir, we are all bound unto the goodness of his Sacred Majesty, (God preserve him and his for it) none of all our Bills, none of our Petitions (this Parliament) have miscarried in his Royal Hand, but have been all compleated with the Royal Assent.

But the Ambition of some of our Prelats, will not let them see how incompatible two several contradiistinguished Functions are in one and the same Person:

And therefore there is left you neither *Root nor Branch* of that so good, so necessary a Bill, which lately we did send up; and consequently no hope of such a *Reformation*, as we all do aim at.

What spark of hope can we then have, that this Bill, which strikes at *Root and Branch*, both of their Seats of Justice there, and of their Episcopal Chaires in the Church will pass (as it is, and without tender of some other Government in Lieu of this) since the Voices are still the same, which outed your former Bill?

Truly (I profess) my hopes are sad in this: never had one Parliament so many great Affairs, never had any Parliament any Affair so great as this, which we call *The Bill of Episcopacy*. Certain (*Sir*,) it is the great hope, or the exceeding fear of every man here, and of all men abroad.

Many a time this Parliament I have heard (and not unjustly) that the business then in hand was of as great Consequence as any had been agitated within these Walls.

But in truth (*Sir*,) to my apprehension, neither Star-Chamber, nor High-Commission, nor Strip-money, nor *Strafford's* death, nor *Canterbury's* Life, are (with me) equivalent, to the settling or unsettling of the whole National Church of this Kingdom.

We cannot answer to God or man, if we do not use our best and most vigorous endeavours for the peace of the Church we live in.

I should think this a happy day, if we could so temper this Bill, that it might walk fairly on through the House of Lords unto the King.

To this end, (and that we may not lose all, by asking more then all) I will be bold to offer to your consideration, a provisional addition or two. Such as (I hope) may both satisfy us and secure our Bill, by fit amendments.

Here was a little interception, and then a long additional to the Bill presented in Writing, for putting all Church-Government into the hands of Commissioners in every Diocess. I proceeded.

Sir, there is now offered unto you, a large addition to your Bill, longer (indeed) by far, then the Bill it self. It seems to desire, that a Proportional number of Clergy and Laity, may be Commissionate together, for all Ecclesiastick Jurisdiction, until a future Government be resolved on.

I must confess I am not satisfied with this way of Commissioners, it would joy me much and satisfy me more, if as one Government goes out, I could see another come in, and that without an *Inter-regnum* of Commissioners.

We are resolved that the present way of Government is unsufferable, let it go, but let us have another. This I conceive to be Feasible, and that in fewer Lines, fewer Words, then this additional Increment now offered to your Bill; which in truth will make me like your Bill worse then I did before.

To this purpose, I do lay this ground: A Church Government we must have.

This

This was so at first, though afterward it was resolved that no Clergy-man but only Lay-men should be Commissioners.

June,
1641.

This is (within these Walls for ought I hear) on all hands agreed upon : and then by (unavoidable necessity) this Government must be distributed into Parts, into certain Limits, Circuits and Divisions of places, wherein it is to be exercised.

Unto this being granted, I do subjoyn three Propositions , and they are these :

First, Our present Diocesses are (for the most part) much too large, too vast ; I desire therefore, That the Circuit for future Church Government, may be reduced to the common Boundaries and Limits of our several Shires, the disproportion from thence objected shall be easily answered.

Secondly, Next, in every of these divisions, I desire that some Choice, able, grave Divines, (twelve or more in a Shire) may be by the Parliament appointed, to be in the nature of an old Primitive constant *Presbytery* among us.

Thirdly, and Lastly, Because all meetings of many must be disorderly, and the rule of many cannot be without confusion, unless there be one to guide and direct the rest. I shall desire that in every Shire, over every *Presbytery*, we may establish one *President*.

A *President* (I say) more to satisfie others then my self. The name of *Bishop* disturbs not me; let him be a *Bishop* or an *Over-seer*, or a *President*, or a *Moderator*, or a *Super-intendent*, or a *Ruling-elder* ; call him what you will, so as you provide me one in every Shire, over every *Presbytery*, to guide and direct the rest.

The different Sence (to be easily observed) and I hope not past our strength to be reconciled, in this House, concerning our present Church Government, is twofold. One is for *Ruine* thereof, the other for *Reforming* : both are nearer together in Heart (I perswade my self) then we are yet aware of. The nearer the better, and more easie composure both of our own selves here, and of the Churches peace throughout the Land abroad. God send that we may find the way to Peace.

If the right Form of Primitive Episcopacy were truly stated forth unto us, it would (questionless) take and lead our judgments along therewith.

This Bishop was not so much a Lord as a Father over his charge, ruling with Love and tender Bowels ; whosoever did institute this Episcopacy, sure I am, this Bishop hath, and ever had, a Presidency before, and a Precedency over others of his own Order.

He was one man chosen out among the rest, and by the rest put into a several degree (not into a distinct superior Order) above the rest *εἰς τὸ ἐπισκοπεῖν ad Episcopandum* to over-see the rest : and this only in matters Spiritual, nothing at all in affairs Temporal, or Secular employments.

If this Bishop were not of *Apostolical institution*, yet it is undeniable that he was of *Apostolical permission*. For, of and in the *Apostolical* times, all Stories, all Fathers, all Ages have agreed, that such Bishops there were.

His Rule indeed was with consent of his Senate, his *Presbytery*; *Direction* was his, *Coercion* was still their own.

He had *πρεσβεΐαν*, yea and *πρωτοσύνην*, both the first place of sitting, and the chiefest part of the power : I say the *chiefest part*, I do not say, the *greatest part* of power. The power, it was more eminent in him, but it was virtually residing and domesticant in the plurality of his Assessors.

These Assessors were the Presbyters, the Elders of the Church, of whom Holy *Ignatius* (a Father so primitive, that he was Disciple to Saint *John* the Apostle, and by some thought to be that very Child (whilst he was a Child) whom our blessed Saviour took and set before his Disciples, whereof you read in three of the Evangelists. This *Ignatius* (I say) in his Epistle to the *Trallians* doth call these Elders *συμβέβητες, καὶ σωματορῆντας τοῦ ἐπισκόπου*, *The Councillors and Co-Assessors of the Bishop*.

Here was in this Age (and yet this Father died a Bishop and a Martyr before the last Apostle went to Heaven) here was a Fellowship, yet such a Fellowship as destroyed not presidency : and in another Epistle (that to the *Magnesians*) you have such a presidency as doth admit also of a Fellowship. *Προκαθεμένη τοῦ ἐπισκόπου εἰς τόπον Θεοῦ καὶ τῶν πρεσβυτέρων, εἰς τόπον σωματορῆντος τῶν ἀποστόλων*. *The Bishop being President* (the very Name and Office there) *as in the place of God, and the Presbyters as a Senate of the Apostles*.

Matth. 18. 2.
Mark 9. 26.
Luke 9. 27.
If Simon Zelotes were the last, as some affirm.

I forbear to dilate upon this Episcopacy. But I will be bold, *Ponere ob oculos*, to set him before your Eyes. I will give him you even by way of demonstration.

Master *Hide*. your self are now in this great Committee, Mr. *Speaker* is in the House, The Bishop of our Congregation.

You are in your selves but Fellow-Members of the same House with us, returned hither (as we also are) to sit on these Benches with us: until by our Election and by common suffrage, you are *Incathestrated*: then you have (and it is fit and necessary, that you should have) a *Precedency* before us, and a *Presidency* over us.

Notwithstanding this, you are not diversified into a several distinct order from us (you must not swell with that conceit) you are still the same Member of the same House you were, though raised to a painful and careful degree among us, and above us.

This Bishop had (as your self have here) *potestatem directivam*, but not *Correctivam*. Correction in our House doth dwell in the General Vote.

You know the power you have is Limited, and circumscribed by them who gave it; you are no Dictator to prescribe us our Laws; but must gather our Votes: and then your pronouncing doth fix our (not your single) own Orders.

Neither you here, (Master *Speaker* in the House) can *Degrade* any one of us from these Seats, nor can you *silence* us in the due liberty of our Speech.

Truly (Sir) as yet advised, I do heartily wish we had in every Shire of *England*, a Bishop such and so regulated for Church Government within that Sphear, as Master *Speaker* is bounded in and Limited, by the Rules and Cancels of this House.

That were (indeed) a well tempered and a blessed Reformation, whereby our times might be approximant, and conformant to the Apostolical and Pure primitive Church.

But this (I fear) is *magis optandum quam sperandum*: yet it being the cause of God, who can then despair?

This happiness (I mean living under *Episcopal Presidency*, not under a *domineering Prelacy*) this is too high above our reach, yet strong Prayers, and Hearty endeavours may pull the Blessing down upon us: In the mean time, wo is our Churches portion, for our *Bishop President* is lost, and grown a Stranger to us, and in his room is crept in, and stept up a *Lordly Prelate*, made proud with pomp and ease, who neglecting the best part of his Office in Gods Vine-yard, instead of *supporting the weak and binding up the broken*, forrageth the Vines, and drives away other Labourers. The Vines indeed have both Grapes and Leaves, and Religious Acts both Substance and Circumstance, but the Gardener is much to blame, who gives more charge to the Work-men of the Leaves then of the Fruit.

This rough enforcement (of late) to that which is not *the better part*, is an Episcopacy that turns all our Melody into a Threnody: This makes many Poor, Pious, Christian Souls to *Sing the Songs of Sion in a strange Land*.

Psal. 137. and 4.

This Bishop will have no Assessors (or if any, so formally admitted, and so awed, as good have none) no Senate, no Consultation, no Presbytery or common Suffrage: but Elates himself up into usurped Titles, and incompatible Power, and sublimes it self by assuming a *Soleship* both in *Orders* and *Censures*.

Religion and Reason, and Primitive Example are all loud against this Episcopacy.

This too elate subliming of one can not stand without a too mean demission (I may say debasing) of many other of the same order. Nay this Bishop not content with Ecclesiastick Pride alone, will swell also, with ambition and Offices Secular.

Truly, (Sir) you have done exceeding well to *Vote* away this Bishop; for of this Bishop (and of this alone) I must understand the *Vote* you have passed, until I be better instructed: For your Vote is against the present Episcopacy; and for the present, you can hardly find any other Episcopacy but this; an Authority how ever by some of them better exercised, yet too solely entrusted to them all.

Away then with this Lordly domineerer who playes the Monarch (perhaps the Tyrant) in a Diocess : of him it is of whom I read, *Episcopalis dignitas papalem fastum redolet*. This kind of Episcopacy it smells rank of the Papacy : nor shall you ever be able, utterly and absolutely to extirpate Popery, unless you root out this *Soleship* of Episcopacy.

To conclude in short and plain *English*, I am for abolishing of our present Episcopacy. Both Diocesses and Diocesan as now they are. But I am withal (at the same time) for Restauration of the pure Primitive Episcopal Presidency. Cut off the usurped adjuncts of our present Episcopacy, reduce the ancient Episcopacy, such as it was, *in puris spiritualibus*. Both may be done with the same hand, and I think in a shorter Bill then is offered now by way of addition.

Down then with our *Prelatical Hierarchy*, or *Hierarchical Prelacy* (such as now we have) most of it consisting in Temporal adjuncts only; the *Diana* and the Idol of Proud and Lazy Church-men. This do, but *ea lege*, on this condition, that with the same hand, in the same Bill, we do gently raise again (even from under the ruins of that *Babel*) such an Episcopacy, such a Presidency, as is venerable in its Antiquity and Purity, and most behooveful for the Peace of our *Christendom*.

This is the way of *Reforming*: and thus by yielding to the present Storm, and throwing that over-board which is adventitious, borrowed, and undue; Peace may be brought home unto our Church again, the best of that building and the truth of Ancient Episcopacy may be preserved: otherwise we hazard all.

This would be glorious for us, and for our Religion: and the glory thereof will be the greater, because it redounds unto the God of glory.

My Motion is, that those Sheets last presented to you, may be laid by, and that we may proceed to reduce again the old Original Episcopacy.

If this Gentleman had thoroughly consulted the Church History, he would have found, both that Episcopacy was ever accounted a Distinct Order from and above Presbytery, and that the most Primitive Bishops exercised the same Jurisdiction and Power in the Church, even over Presbyters themselves, as the present *English* Bishops did; and for their Temporal Baronies and Lordships, it was never esteemed any ways Essential to the Office, but only a Concomitant Adjunct, which, by the Fundamental Constitution of the Government, by the Kings annexing Temporal Baronies to their Spiritual Office, rendred them one of the three Estates of the Realm; And indeed it was this Temporal Honor, and their Secular Estates, Lands and Tenements, which raised the envy of some; and the Covetousness of others against not only the Persons but the Order itself.

Sir Benjamin Rudyard also spake as follows.

Mr. Hide,

“WE are now upon a very great Business, so great indeed, as it requires our soundest, our saddest consideration; our best judgment for the present, our utmost foresight for the future.

“But, Sir, one thing doth exceedingly trouble me, it turns me round about, it makes my whole Reason vertiginous, which is, that so many do believe, against the wisdom of all Ages, that now there can be no Reformation without destruction, as if every sick Body must be presently knockt in the Head, as past hope of Cure.

“Religion was first, and best planted in Cities; God did spread his Net where most might be caught, Cities had Bishops, and Presbyters were the Seminaries, out of which were sent Labourers by the Bishops, to propagate and cultivate the Gospel. The Clergy then lived wholly upon the Freewill-Offering, and Bounty of the People.

“After-

Sir Benjamin Rudyard's Speech concerning Bishops, Deans and Chapters, at a Committee of the whole House. June 21. 1641.

June,
1641.

“Afterwards, when Kings, and States grew to be Christians, the outward settlement of the Church grew up with them. They Erected Bishopricks, Founded Cathedral Churches, Endowed them with large Possessions : Landlords built Parish Churches, gleab'd them with some portion of Land, for which they have still a Right of Presentation.

“I do confess, That some of our Bishops have had Ambitious, Dangerous Aims, and have so still, that in their Government there are very great Enormities : But I am not of their Opinion, who believe that there is an Innate ill Quality in Episcopacy, like a Specificall Property, which is a Refuge, not a Reason I hope ; there is not Original Sin in Episcopacy ; and though there were, yet may the Calling be as well Reformed, as the Person Regenerated. Bishops have governed the Church for 1500 years without interruption : And no man will say, but that God hath saved Souls in all those times under their Government. Let them be reduc'd according to the usage of Ancient Churches in the best times ; so restrained as they may not be able hereafter to shame the Calling. I love not those that hate to be Reformed, and do therefore think them worthy of the more strict, the more close Reformation.

“We have often complained, That Bishops are too absolute, too singular. Although Cathedral Churches are now for the most part but Receptacles of Drones, and Non-Residents, yet some good Men may be found, or placed there to be Assessors with the Bishops, to assist them in Actions of moment, in Causes of Importance ; there is maintenance already provided for them. If either in Bishopricks, or Cathedral Churches there be too much, some may be pared off, to relieve them that have too little. If yet more may be spared, it may be employed to the setting up of a Preaching Ministry through the whole Kingdom. And untill this be done, although we are Christians, yet are we not a Christian State.

“There are some places in *England* that are not in Christendom, the people are so ignorant, they live so without God in the World, for which Parliaments are to answer, both to God and Man : Let us look to it, for it lies like one of the Burdens of the Prophet *Isaiah*, heavy, and flat upon Parliaments.

“I have often seriously considered with my self, what strong concurrent Motives and Causes did meet together in that time, when Abbies and Monasteries were overthrown. Certainly God's hand was the greatest, for he was most offended. The profane Superstitions, the abominable Idolatries, the filthy nefandous wickedness of their Lives did stink in God's Nostrils, did call down for Vengeance, for Reformation. A good Party of Religious Men were Zealous Instruments in that great work, as likewise many Covetous, Ambitious Persons, gaping for fat Morfels, did lustily drive it on.

“But, Mr. *Hide*, there was a principal Parliamentary motive, which did facilitate the rest ; for it was propounded in Parliament, that the Accession of Abby-Lands would so enrich the Crown, as the people should never be put to pay Subsidies again. This was plausible both to Court and Countrey. Besides, with the Over-plus, there should be maintained a standing Army of Forty Thousand Men, for a perpetual defence of the Kingdom. This was Safety at home, Terrour and Honour abroad : The Parliament would make all sure.

June,
1641.

"Gods part, Religion, by his blessing, hath been reasonably well pre-
served, but it hath been saved as by fire ; for the rest is consumed and
vanished : the people have payed Subsidies ever since, and we are now
in no very good Case to pay an Army.

"Let us beware, Mr. *Hide*, that we do not look with a worldly, car-
nal, evil Eye upon Church Lands, let us clear our Sight, search our
Hearts, that we may have unmixt and sincere Ends, without the least
thought of saving of our own Purfes. Church Lands will still be fit-
test to maintain Church Men, by a proportionable, and orderly distri-
bution.

"We are very strict and curious to uphold our own Propriety, and
there is great reason for it : Are the Clergy only a sort of Men, who
have no Propriety at all in that which is called theirs ? I am sure they
are *Englishmen*, they are Subjects.

"If we pull down Bishopricks, and pull down Cathedral Churches,
in a short time we must be forced to pull Colledges too ; for Scholars
will live and dye there as in Cells, if there be not considerable Prefer-
ment to invite them abroad. And the example we are making now,
will be an easie Temptation to the less pressing necessities of future
times.

"This is the next way to bring in Barbarism, to make the Clergy an
unlearned, contemptible Vocation, not to be desired but by the basest
of the People ; and then where shall we find men able to convince an
Adversary ?

"A Clergy-men ought to have a far greater proportion to live upon,
than any other Man of an equal Condition. He is not bred to mul-
tiply Three-pences, it becomes him not to live Mechanically, and for-
didly ; he must be given to Hospitality. I do know, my self, a Clergy-
man, no Dignitary, whose Books have cost him a Thousand Pounds,
which when he dies, may be worth to his Wife and Children, about
Two Hundred.

"It will be a shameful reproach to so flourishing a Kingdom as this, to
have a poor beggarly Clergy. For my part, I think nothing too much,
nothing too good for a good Minister, a good Clergy-man. They
ought least to want, who best know how to abound. Burning and
shining Lights do well deserve to be set in good Candlesticks.

"Mr. *Hide*, I am as much for Reformation, for purging and main-
taining Religion as any man whatsoever ; but I profess I am not for
Innovation, Demolition, nor Abolition.

Possibly the Reader will now be desirous to see this Bill, which gave
so much business to the Parliament, and therefore I here present him with
a Copy of it, as I find it in the Paper-Office.

An Act for the Abolishing and taking away of all Arch-Bishops,
Bishops, their Chancellours and Commissaries, Deans, Deacons
and Chanters, Arch-Deacons, Prebendaries and Canons, and all
other their Under-Officers of the Church of *England*.

The Bill a-
gainst Episco-
pal Govern-
ment, and the
Hierarchy of
the Church.

Whereas the Government of the Church of England by Arch-
Bishops and Bishops, their Chancellors and Commissaries,
Deans, Arch-Deacons and others their Cathedral Officers, have
been found by long experience to be a great Impediment to the per-
fect

June,
1641.

fect Reformation and Growth of Religion, prejudicial to the Civil Government of this Kingdom: Be it therefore Enacted by the King's most excellent Majesty, the Lords and Commons Assembled in this present Parliament, by the Authority of the same, That from henceforth there shall be no Arch-Bishops, Chancellors, or Commissaries of any Bishopricks, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Chancers, Canons, or Petty-Canons, or any other of their Officers within this Church or Kingdom. And every Parson that shall hereafter use, or exercise any Power, Jurisdiction, Office or Authority, Ecclesiastical or Civil, by Collection of any such Name, Title, Dignity or Office, or Jurisdiction, to incur the Penalty, and a Forfeiture contained in the Act of Premunires made in the 16 R. 2. That all which hereafter done by any Arch-Bishopricks, their Chancellors, Commissaries, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Canons, Petty-Canons, or any other Office by Collection of any of their Dignities or Officers aforesaid, shall be mæly void in Law, any Statute or Ordinance heretofore made to the contrary any wise notwithstanding. And that all Mannors, Lands, Territories, Impropriations, Houses, Rents, Services, and other hereditaments whatsoever of the said Arch-Bishopricks, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Canons, Petty-Canons, which they or any of them have in Right of the said Churches or Dignities shall be disposed and ordered of, in such manner, sort and form as the King's most excellent Majesty, the Lords Temporal, and Commons in this present Parliament Assembled shall appoint.

And be it further Enacted by the Authority aforesaid, That all Ecclesiastical Jurisdiction, fit to be exercised within this Church and Kingdom of England, shall be committed to such a number of Persons, and in such manner as by this present Parliament appointed.

Divers Papers were upon this occasion presented to the Consideration of the House of Commons, and many even of the *Presbyterians* who were for altering some things, yet were not for Extirpation of *Root and Branch*; among the rest, I find these two in the Paper-Office.

THe Agitation of change of Government in the Church, in the House of Commons, is a Business of so high a Consequence, that it is necessary to prevent any Resolution by Voting their judgment alone, lest that being brought up with prejudice to the Lords, who are and ought to be equally interested, may also prejudice the Cause.

It is a doubtful Case in the heat of this dispute how farr the Commons may go in the Declaration of their Opinions, in which if the Lords shall not concur, it may prove a great Rock of offence between the two Houses.

Therefore 'tis very requisite, that the Lords of the Higher House do timely interest themselves in the discussion, and before any Resolution in either House.

To this purpose the Lords may be pleased to make a Committee in their House for the Reformation of Church Affairs, and Government, and thereupon demand a Conference with the Committee of the House of Commons, that the business may be handled by Consultation on both sides *pari passu*, and *gradu*. At this Conference the Lords may be pleased to propose these grounds.

1. That neither by Example, nor Reason in any Age or State, Matters Ecclesiastical, or Mutations in Church Affairs were ever alone determined by Laymen.

A Proposition concerning Bishops and Ecclesiastical Affairs, and Church Government.

June,

1641.

2. In the Primitive Church, and most Ancient times, matters of this nature, were always debated in General Councils or National Synods; in the blessed Reformation, the business was agitated by a Choice number of Divines, who communicated their proceeding with Reformed Divines abroad, and admitted some Strangers into their Consultations, for the satisfaction of their Brethren and Peace of the Church.

3. The publick Enemy of our Religion will take infinite advantage at every Alteration, and especially at any that shall be resolved above by Lay-men.

4. It must of necessity produce a dangerous Schism in the Church, if, without all Respect of Edification and satisfaction to the Parties different in judgment any conclusion should be imposed upon both without their consent.

5. It is impossible, that any Resolution taken in Heat and Passion can be so permanent, but that time will discover a Necessity of fresh alterations, to the shame of the whole Reformation.

6. It is necessary to proceed in such a way as may not be Scandalous to the Churches abroad, and may give satisfaction to both Parties opposite, and contending at Home, and may be Honourable, Durable, Obliging, and Fortified with the consent, and agreement of the Ecclesiastick, and the Authority of the Parliament.

To effect which it is most agreeable to true Wisdom and Policy, that both Houses of Parliament determine and declare for the present, that the Laws Established for Church Government shall be obeyed: And because all things in the first Reformation could not be fore-seen, or some things were necessarily for other respects overseen, which Time, and great Liberty, and Light have discovered, and which may now be more fitly taken into consideration, That therefore both Houses may be pleased to move His Majesty for the calling of a National Synod, I mean of a Select number of Divines of all three Nations subject to His Majesty, equally, and impartially chosen of Moderate, and Learned Men of both sides, in which may be discussed, and resolved a settled and uniform Model of Government, to be presented unto the Parliament of all the Kingdoms, there to receive Strength and Approbation.

In which Assembly Godly Men, and lovers of Peace, assisted by the Spirit of God, may doubtlessly be induced to receive satisfaction from one another in a Conscientious way, and to yield to one another by the Rules of Charity for the publick Peace of the Church.

This solid course as it will allay the Heat and Precipitation of passionate Councils, so it will have Authority in it self, Honor in relation to other Forreign Churches, and stability in these resolutions.

I will be bold to add another Motion, that if we may be so happy to settle these troubles and scruples of tender Conscience, by imbracing this only Counsel, I could wish, that an Intimation were made to all the Reformed Churches, that if they please to send their Deputies, and to assist in this Pious work, they shall as Assistants, be admitted. And I hope, there may arise from hence an occasion of re-uniting all the Protestant Churches at least in Fundamentals; Leaving to every one a Christian Liberty in those Forms of Discipline, which may be most agreeable to their Civil Government; which would not only strengthen the General Cause of Religion, but take away that strong objection (of the publick Enemy) of such a Division amongst our selves as make us appear outwardly to be twenty Churches, or none at all; for from this Branch of division and separation hath flown all the advantages both in the Estate and Church of the Papacy, against the Reformation, and the Princes professing one truth, not fenced about with one Policy.

A Divine in the City gave his following Opinion upon these Particulars.

TO satisfy your Demands both Concerning the Liturgy and Episcopal Government; First for the Book of Common Prayer, it may be alledged,

1. That

The Opinion
of a City Di-
vine concern-
ing the Litur-
gy & Church
Government.

June,
1641.

1. That God himself appointed in the Law, a set Form of Benediction, Numb. 6. 23, 24, 25, 26.

2. That David himself set Psalms to be sung upon Special Occasions, as the Title of them sheweth.

3. That the Prophet Joel appointed a set Form of Prayer to be used by the Priest at Solemn Fasts, Joel 2. 7.

4. That Christ not only Commands us to pray after such manner, Matth. 6. 9. But to use a set Form of words, Luke 11. 2. When you pray, say, Our Father.

5. The Spirit of God is no more restrained by using a set Form of Prayer, then by singing set Hymns or Psalms in Meeter, which yet the Adversaries of our Common-Prayer, practise in their Assemblies.

6. Of all Prayers [premeditated] are the best, Ecclesiastes 5. 2.

7. And of premeditated Prayers, those which are allowed by public Authority, are to be preferred above those which are uttered by any private Spirit.

8. All the Churches in the Christian World in the first, and best Times, had their best Forms of Lyturgies, wherof most are Extant in the Writings of the Fathers unto this day.

9. Let our Service-Books be Compared with the French, Dutch, or any other Lyturgie, prescribed in any of the Reformed Churches, and it will appear to any indifferent Reader, that it is more Exact, and Compleat, than any of them.

10. Our Service-Book was Penned, and allowed of, not onely by many Learn'd Doctors, but Glorious Martyrs, who sealed the Truth of the Reformed Religion with their Blood; let it cannot be denyed, but that there are Spots, and Blemishes, *nævi quidem in pulchro Corpore*. And it were to be wished, so it be done without much Noyse,

1. That the Kalendar in part might be reformed, and the Lessons taken out of the Canonical Scriptures, appointed to be read in the place of them; for besides, that there is no necessity of reading any of the Apocrypha, for there are in some of the Chapters, set in the Index passages repugnant to the Doctrine of the Holy Scriptures, as namely in some Chapters in Tobit.

2. That in the Psalms, Epistles, and Gospels, all Sentences alledged out of the Holy Scriptures, the last Translation (of King James his Bible) may be followed; for in the former there be many Passages not agreeable to the Original, as might be proved by many Instances.

3. That in the Rubrick, whereof of late the word [Priest] hath been instead of the word [Minister] it may be Expunged, and the word Minister restor'd, which is less Offensive, and more agreeable to the Languages of all the Reformed Churches; and likewise that some Abuses, which seem surreptitiously to have crept into it, be expunged; as namely, after the Communion, every Parishioner shall Communicate, and also shall receive the Sacraments, and other Rites according to the Order of this Book appointed; which words can carry no good Sence in a Protestant's Ears, nor those added against Private Baptisme, That it is certain by Gods Word, That Children being Baptized, having all things necessary for their Salvation, be undoubtedly Saved.

4. That in the Hymns, instead of the Songs of the Three Children, some others placed out of the Canonical Scriptures, and that a fitter Psalm were chosen at the Churching of Women; (for those Verses) He will not suffer thy foot to be moved, and, the Sun shall not burn thee by day, nor the Moon

June,
1641.

Moon by night, seem not very pertinent. That in the Prayers and Collects, some Expressions were bettered, as when it is said, Almighty God, which only workest great Marvels, send down upon the Bishops, &c. And, Let thy great Mercy loose them, for the honour of Jesus Christ's sake. And from Fornication and all other deadly Sin, as if all other Sins were not deadly, and that among all the chances of this mortal Life, they may be defended, &c.

5. And in the Visitation of the Sick, I absolve thee from all thy sins, and the like.

6. That in singing of Psalms, Either the lame Rhymes, and superfluous Botches (as I say) and for why, and homely Phrases, As, Thou shalt feed them with brown Bread; And, Take thy Hand out of thy Lap, and give thy Foes a Rap; and, Mend this Geare, and the like, may be Corrected, or at the least, a better Translation of the Psalmes in Meeter, appointed in the place of the old.

Secondly, for Episcopal Government, it may be alledged,

1. That in the Old Law, the Priests were above the Levites.
2. That in the Gospel, the Apostles were above the Seventy Disciples.
3. That in the subscription of St. Paul's Epistles, which are part of Canonical Scripture, as it is said, That Timothy was Ordained the first Bishop of the Church of the Ephesians; That Titus was Ordeined the second Bishop of the Church of the Ephesians.

That Titus was Ordained the first Bishop of the Church of the Cre-tians.

4. That if Episcopal Ordination and Jurisdiction, hath expresse Warrant in Holy Scripture, as namely Titus 1. 5. For this Cause left I thee in Crete, that thou should'st set in order things that are wanting, and Ordain Presbyters, that is Ministers, in every City. And 1 Tim. 5. 22. Lay hands suddenly on no man. And Vers. 19. Against a Presbyter or Minister, Receive no Accusation, but under two or three Witnesses.

5. The Angels to whom the Epistles were indorsed, 2, & 3. of Apoc. are by the Unanimous Consent of all the best Interpreters, both Antient, and Later, expounded to be the Bishops of those Cities.

6. Eusebius, and other Ecclesiastical Writers, affirm, (none contradicting them) that the Apostles themselves chose James Bishop of Jerusalem, and that in all the Apostolique Sees, there succeeded Bishops, which continued in all the Christian World, and no other Government heard of, in the Church for 1500 Tears, and more, then by the Bishops, and the Canons of Councils, both General and Provincial, which consisted of Bishops.

7. That so many Acts of Parliament and Laws of the Kingdom, and Statutes of Colledges of both Universities, have relation to Bishops, that the removing of them especially (there having been never no other Government settled in this Kingdom) will breed, and make Confusion, and no Reformation, but rather a Deformation in the Church; yet it were to be wished, That in some things our Government might be reduced to the Constitutions, and Practice of the Primitive Church, especially in these Particulars.

1. That Bishops did ordinarily, and constantly Preach, either in the Metropolitan Church, or in the Parochial Church, in their Visitations.

2. That they might not Ordain any Ministers, without the Consent of 3. or 4. at the least, Grave and Learned Presbyters.

3. That

3. That they might not suspend any Minister, ab Officio et Beneficio, at their Pleasures, by their sole Authority, but only with a necessary Consent of some Assistants, and that for such Causes, and Crimes only, as the ancient Canons or the Laws of the Kingdom appointed.

4. That none may be Excommunicated but by the Bishop himself, (with the Consent of the Pastor) whose Parish the Delinquent dwelleth in, and that for heynous, and scandalous Crimes, joyned with obstinate, and wilful Contempts of the Churches Authority, and that for non-Appearances, or Ordinances, upon ordinary occasions, some Lesser punishments might be inflicted, and that approved by Law.

5. That Bishops might not demand Benevolence for the Clergy, nor exact Allowance for their Dyet at the Visitations, nor suffer their Servants to exact undue Fees at Ordinations, and Institutions.

6. That Bishops and Chancellors and Officials, may be subject to the Censures of Provincial Synods, and Convocations.

A Bill was Read the first and second time for the speedy raising Mony for Disbanding the Armies, and Committed to a Committee of the whole House.

A most Excellent Petition from the University of Oxon, for the retaining and Establishing of Episcopacy; but alas they did but *surdis Canere*, these Serpents were not to be charmed by their Sovereign, much less by the Muses, though they could have charmed ten thousand times more powerfully and wisely than they did. However, it will be for their Immortal Glory, That in the worst of Times, and even when the Storm was in its most blustering Rage, they durst oppose the Tempest and Defend the Truth. The Petition was as follows.

June,
1641.

Tuesday,
June 22.
Disbanding
Bill read
twice.

To the High and Honourable Court of Parliament,

The Humble Petition of the University of Oxford.

Sheweth,

“ THAT whereas the University hath been informed of several
 “ Petitions concerning the present Government of this Church, and
 “ maintenance of the Clergy, which have of late been exhibited to this
 “ Honourable Assembly; We could not but think our Selves bound in
 “ Duty to God, and this whole Nation, in charity to our Selves and suc-
 “ cessors, who have and are like to have more than ordinary interest in
 “ any Resolution that shall be taken concerning Church-Affairs, in all
 “ humility, to desire the continuance of that Form of Government, which
 “ is now Established here, and hath been preserved in some of the Eastern
 “ and Western Churches, in a continued Succession of Bishops, down from
 “ the very Apostles to this present time; the like whereof cannot be af-
 “ firmed of any other Form of Government in any Church. Upon
 “ which Consideration, and such other Motives as have been already
 “ represented to this Honourable Parliament from other Persons and Pla-
 “ ces (with whom we concur) in behalf of Episcopacy, We earnestly de-
 “ sire, That you would Protect that Ancient and Apostolical Order from
 “ Ruine or Diminution.

“ And become farther Suiters for the Continuance of those Pious

Vol. II.

R r

“ Founda-

The Petition
of the Univer-
sity of Oxon
for Episco-
pacy, June 22.
1641.

June,
1641.

- “ Foundations of *Cathedral Churches*, with their Lands and Revenues,
 “ As dedicate to the Service and Honour of God, soon after the plantation of Christianity in the *English Nation* :
 “ As thought fit and Useful to be preserved for that end, when the Nurseries of Superstition were demolished, and so continued in the last and best Times since the Blessed Reformation, under King *Edw. 6. Q. Elizabeth* and King *James*, Princes Renowned through the World for their Piety and Wisdome :
 “ As approved and confirmed by the Laws of this Land, Ancient and Modern :
 “ As the principal outward Motive and Encouragement of all Students, especially in Divinity, and the fittest Reward of some deep and eminent Scholars :
 “ As producing or nourishing in all Ages many Godly and Learned Men, who have most strongly asserted the Truth of that Religion we profess, against the many fierce Oppositions of our Adversaries of *Rome* :
 “ As affording a competent Portion in an ingenuous way to many Younger Brothers of good Parentage, who devote themselves to the Ministry of the Gospel :
 “ As the only means of Subsistence to a multitude of Officers and other Ministers, who with their Families depend upon them, and are wholly maintained by them :
 “ As the main Authors or Upholders of divers Schools, Hospitals, High-ways, Bridges, and other Publique and Pious Works :
 “ As special Causes of much Profit and Advantage to those Cities where they are situate, not only by relieving their Poor, and keeping convenient Hospitality, but by occasioning a frequent resort of Strangers from other Parts, to the great benefit of all Tradesmen, and most Inhabitants in those places :
 “ As the goodly Monuments of our Predecessors Piety, and present Honour of this Kingdom in the Eye of Forreign Nations :
 “ As the chief Support of many Thousand Families of the Laity, who enjoy fair Estates from them in a free way :
 “ As yielding a constant and ample Revenue to the Crown :
 “ And as by which many of the Learned *Professours* in our *University* are maintained.
 “ The Subversion or Alienation whereof must (as we conceive) not only be attended with such consequences as will redound to the scandal of many well affected to our Religion, but open the mouths of our Adversaries, and of Posterity against us ; and is likely in time to draw after it harder conditions upon a considerable part of the Laity, an universal cheapness and contempt upon the Clergy, a lamentable drooping and defection of Industry and Knowledg in the *Universities* ; which is easie to foresee, but will be hard to remedy.

May it therefore please this Honourable Assembly, upon these and such other Considerations as Your great Wisedomes shall suggest, to take such Pious Care for the Continuance of these Religious Houses, and their Revenues, according to the best Intentions of their Founders, as may be to the most furtherance of God's Glory and Service, the Honour of this Church and Nation, the Advancement of Religion and Learning, the Encouragement of the
Modest

Modest Hopes and Honest Endeavours of many Hundred Students in the Universities.

June,
1641.

Who do and shall ever pray, &c.

Dat. An. Dom. millesimo sexcent' quad' primo è Domo Convocationis, in celebri Conventu Doctorum ac Magistrorum, omnibus & singulis assentientibus.

Upon Report from the Lords Committees for Priviledges, *It is Ordered, That the Lord Morley and Monteagle shall be Tried at the Barr in this House touching the Murther of Peter Clarke, and that a Writ of Certiorari shall be directed to the Lord Chief Justice of the Kings-Bench, to bring into this House the Indictment and Examinations against the said Lord Morley remaining now in the Court of Kings Bench, that the King's Attorney and the rest of his Majesties Learned Counsel shall give in Evidence on the Kings behalf against the said Lord Morley. And that the said Lord Morley shall have Liberty to have Counsel to speak for him in point of Law only, but not to matter of Fact. And lastly, That the Complainants shall be heard by their Counsel at the Barr at their said Tryal, if they desire it. And because that in one and the same Indictment the said Lord Morley and Mr. Kirke are both contained, this House doth further Order, That the Record of the Indictment for so much as concerns the said Kirke, shall by this House be remanded to the Court of Kings-Bench, that there he may be proceeded against according to Law.*

The L. Morley to be Tried by his Peers for the Murther of one Clark.

A Message was sent up from the Commons by Mr. Hollis, who said he was Commanded to let their Lordships know, *That the Commons have taken Notice of the Secret Counsels of Jesuits and other ill-affected persons in the Kingdom, which are fomented by our Enemies abroad, to disturb the Peace of this Kingdom and Scotland; the desire of the House of Commons was, That all suspected persons be stopped at the Ports, and if Cause Examined; and that the Letters of this Week which come from France may be stayed and brought to this House, to be perused as hath formerly been.*

Letters to be opened this Week.

Upon which the Lords Ordered, *That the Post-Master Mr. Thomas Witherings should bring the Letters accordingly, and that suspected persons should be Examined, and, if there were occasion for it, apprehended. And the L. Privy Seal, Earl of Cambridg, Earl of Holland, Viscount Say and Seal, were appointed by the House to acquaint his Majesty with what the House Resolved in this business.*

His Majesty coming this Day to the House of Lords, the Commons were sent for to attend him, by the Gentleman Usher of the Black Rod, in order to his giving the Royal Assent to the Bill for Tonnage and Poundage; when the Speaker of the Commons House addressed himself to his Majesty with this following Speech.

That policy, most Gracious and Dread Sovereign, which weighs the Prerogative of the King and Property of the Subject in the same Scales, and increases the plenty of the Crown, and contentment of the People; the even poising of this Beam enables both, the one being ordained for the preservation of the other.

This Principle is so riveted into the Hearts of your Subjects by the Acts of their Ancestors, and Traditions of their Fore-fathers, that it hath Created a belief in them, that their Wills are bound to a due Allegiance, and their Fortunes and Estates, as

Mr. Speaker's Speech to his Majesty at the passing the Bill for Tonnage and Poundage, June 22. 1641.

June,

1641.

well as their Duty and Subjection, must bend to the Commands of that Sovereign power with which God hath invested your Sacred Majesty.

Compulsary obedience, advanced by the transcendent power of Prerogative, is too weak to support the right of Government: It is the Affections and Estates of your People, tyed with the Threads of Obedience, by the Rules of Law, that fastens safety and prosperity to the Crown.

The experiment of elder times, in the Reigns of the most Valiant puissant Princes, hath concluded this the Sovereign Preservative against the Diseases of distraction and confusion, and makes it manifest to the World, that the Honour and Glory of this Throne is to command the Hearts of Free-men.

This admitted, the permission of the least diminution, or any Eclipsed interposition between the Honor and Plenty of the Crown, contracts a Scorn upon the Nation.

Several Parliaments in former times have stamp't the Character of a free gift upon the Fore-front of this Aid, still offered by the People, as a Sacrifice of Thanks-giving to the Crown, for the safe conduct of your Merchants, and provision of the Navy, to strengthen your undoubted Dominion over the Seas, which hath protected your Allies, and is a Terror to your Enemies.

Our hopes were long since to have settled this for the measure and the time, and with this to have presented to your Sacred Majesty the triumphant Palm of Tranquility in all your Kingdoms: But, as a Ship Floating upon a Rough Sea, we have been cast upon the Rock of Fear and Dangers, and tossed on the Billows of distraction and distrust of Church and Common-wealth, where we yet remain hopeless ever to pass through that narrow Channel which leads to the Haven of Peace, unless we be speedily Steered on by the hand of your Sacred Wisdom, Care and Providence.

In the midst of all these troubles, and the several Opinions which have been amongst us, no division had power to distract any one of us from the care and Duty we owe to your Sacred Person.

And, to that end am I now sent by the Commons of England, to present this as a Mark only, whereby your Sacred Majesty may view the inward duties of our Hearts, until time and opportunity will give Leave for a further expression of our Duties and Affections. The acceptation of this Gift will glad the Hearts of your People, and the approbation by the Royal Assent of this Bill (being the largest for the measure which was ever given) will joyn Wings to our desires and hopes, which shall never return without that Olive-Leaf, which may declare that the Waters are abated, and your Sacred Majesty may have full assurance of the Faith and Loyalty of your Subjects.

To which his Majesty was pleased to return this Gracious Answer.

My Lords and Gentlemen,

I Do very willingly accept Tour Offer made at this time as a Testimony of your Love, and of that Dutiful Affection You owe Me, and I no way doubt but that You will perform that which You have intimated unto Me, in perfecting the other Bill when you have Liezure. Likewise in passing this Bill, you cannot but see a great Testimony of the Trust and Confidence I have in Tour Affections; as since this Parliament begun, I have omitted no Occasion whereby I may shew such Affection to My People, as I desire My People should shew to Me; and not only so, but likewise in Eschewing all Occasions of Dispute, and in seeking to remove Jealousies.

And for this particular Bill, you cannot but know that I do Freely and Frankly give over that Right which My Predecessors have ever Esteemed their own, though I confess disputed, yet so as it was never Tielded by any of them. Therefore you must understand this as a mark of My Confidence in you, thus to put My Self wholly upon the Love and Affections of My People for My Subsistence, and therefore I hope in the perfecting of this you have begun, you will go on the more Cheerfully.

And as for those Rumors which have bred Suspitions concerning the Army,

The King's Speech at the Passing the Bill for Tonnage & Poundage, June 22. 1641.

Army, though I have heard some loose Discourses touching it, which I never understood otherwise than as having Relation to the Scottish Army, or preventing Insurrections, yet they were so slight of themselves, that they vanished by their own lightness within few days after they were born.

And therefore having shewed you my Clearness in this, I will leave you with the Assurance, That I never had other Design but to win the Affections of my People by the Justice of my Government.

With this flattering Eloquence did they endeavour to impose upon the gracious Inclinations of his Majesty, who did in all things apply himself to oblige them, representing themselves as most tenderly concerned for the Support of his Royal Crown and Dignity by this small Supply; which was in reality nothing more than raising money by his Royal Authority towards defraying a Debt which they had drawn upon the Nation by the burdensome maintenance of the Army of their Brethren of Scotland.

Dr. Leighton another such Turbulent Presbyterian as Prin, Burton and Bastwick, who for his affronting the Government was committed Prisoner to the Fleet, was this day by order of the House of Commons enlarged from his Imprisonment.

A Bill was this Day read the first time for the punishing of Scandalous Ministers. By which, as it afterwards appeared, they intended the Loyal and Orthodox Clergy; for indeed to stand up for the Established Government of the Church, to defend the Liturgy, to maintain the Royal Prerogative, or to speak any thing against the violent proceedings of the Parliament for Extirpation of Episcopacy, were the greatest Crimes and Scandals in the World, against which neither Learning nor Priety were the least Defence.

A Bill was also read the first time for suppressing and abolishing the Court, called the Court of Requests.

The King had now upon the pressing importunities of the Scottish Commissioners, and in hopes by his presence there at the Parliament, to Compose the Affairs of that Kingdom, resolved upon a journey into Scotland: This sudden turn put the Faction in England to a strange perplexity. They were very jealous and fearful lest the King coming to a perfect accommodation with his Subjects of Scotland, they might be defeated of the hopes of that Brotherly assistance which they expected from them, and which they had purchased at so dear a Rate; and that the want of their help might prove a mighty obstacle to the intended progress of their Reformation of the Church and State in England.

But Mr. Pym who never wanted a Letter of dangerous Consequence, though of his own Contrivance, to help them out at a dead lift, produced one in the House, which being read, he moved that a Conference should be desired with the Lords concerning the King's going into Scotland.

The Bill for the regulating the Clerks of the Markets, being read a third time, was also this day passed the House of Commons.

Also the Bill for punishing Scandalous Ministers was read a second time.

A Bill for the preventing vexatious Suits for Knighthood, had also this day a second Reading.

Then several heads for a Conference with the Lords, and several Propositions to the King before he go into Scotland, were read.

The

June,
1641.

Wednesday.
June 23.

Dr. Leighton enlarged from his Imprisonment in the Fleet.

A Bill for punishing Scandalous Ministers, read the first time.

A Bill for taking away the Court of Requests, read the first time.

Thursday,
June 24.

Clerk of the Markets Bill passed the Commons.

Bill for punishment of Scandalous Ministers, read a second time.

Bill to prevent vexatious suits for Knighthood read a second time.

June,

1641.

Cessation prolonged.

Father Phillips the Queens Confessor sent for about a Letter intercepted going to Mr. Montague in France.

The Cessation was also prolonged for a fortnight longer, if the Treaty shall so long continue.

It was Ordered, That Father *Phillips* should be sent for to attend the Committee in the Afternoon, about a Letter from one Father *Philips* to Mr. *Montague* in France.

The Messenger coming to *White-hall*, and finding him acquainted him therewith: *Philips* told him, *He would only go in again and eat something, and go along with him*: But he immediately went and acquainted the Queen with his sending for by the Commons; after some stay he returned and told the Messenger, *That he had been with the Queen, who had commanded him not to go till she had spoken with the King; and that he would obey her Command before that of the House of Commons*. Which Message being related to the House, it was Ordered, *That a Warrant should be sent to apprehend him, and bring him before the House as a Delinquent*.

A Warrant was also directed to the Serjeant at Arms to bring the Pope's Nuncio before the House, but he was not to be found.

The Bishop of *Lincoln* Reports the Conference about the Ten Propositions had this morning with the House of Commons, which was delivered by Mr. *Pym*, who spake as followeth.

He told your Lordships that he was Commanded by the House of Commons to present unto your Lordships their continued Care and Endeavour for the good of the Kingdom, that as your affections are United with them in one great End, to serve God, the King and the Commonwealth, so your Counsels might likewise jointly Co-operate thereunto.

There is but one End and one Foundation of all these Affections and Counsels, howbeit they spread themselves to many and several Branches, for they are so United and Interweaved Duties, which we owe to our God, our King, and our Common-wealth, that we cannot duely and truely serve God, but thereby we serve our King, nor serve God and our King as we ought without our Service to the Common-wealth.

And as a way to this Common and General End, he was to make unto your Lordships several Propositions.

Because they had lately found out very Malignant and Pestiferous Designs set on foot or plotted to trouble the Peace of the Kingdom. The which, though they were prevented, yet were still pursued, which is the Reason why the House of Commons do present your Lordships with these several Propositions in Ten several Heads, which have their Branches and Subdivisions made under them.

First Head.

The first Head concerning the Disbanding of the Army, that is in the Forefront, because it is first to be done, and to make way for all the rest. And of this four several Branches.

(1.) *The House of Commons desires the five Regiments to be first Disbanded according to the former Order agreed upon by both Houses.*

(2.) *The Commissioners for the Scots to be desired to retire some of their Troops from the Teeze.*

(3.) *That their Lordships would joyn with the House of Commons in an humble motion to his Majesty to declare these Five Regiments to be Disbanded, and the rest of the Army as soon as Money may be provided,*
and

The 10 Propositions of the Commons to be presented to the King before he goes into Scotland, June 24, 1641

June,
1641.

and for the punishment of those that shall refuse to Disband, if any such should be.

(4.) That the Lord General should be intreated forthwith to repair to the Army, upon Saturday at the furthest, at which time the Mony will be there.

And that the Lord Newport, Master of the Ordnance, may likewise be there to take care of the Ordnance, and all things under his Charge.

The Second Head was, That his Majesty will be pleased to allow a convenient time before his journey into Scotland, that so the Army may first be Disbanded; and that some of the important Affairs now depending in Parliament, some in both Houses, and other some in the House of Commons may be dispatched before his Majesties Journey.

Second Head.

This Proposition he backs with these Four Reasons.

- (1.) The Safety of his Majesties Person.
- (2.) The Removing of the Jealousies of his good Subjects.
- (3.) The Cutting off the hopes of those which are ill affected, and have any Design of disturbing the Kingdom by means of the Armies.

(4.) The great advantage in his Majesties own Affairs, and contentment of his People, if before his going, the Royal Assent may pass to divers Bills concerning the Reformation of the Church and State, whereof some are already sent up, and others in Preparation, as the Bill intended for further Grant of Tonnage and Poundage, and other Customs.

That some time may be employed to Regulate the King's Estate and Revenue, to free them of unnecessary Burthens, and to employ them for the good of the Commonwealth. All which require his presence in Parliament.

The Third Head was about his Majesties Councils.

Third Head.

(1.) That his Majesty may be humbly Petitioned to remove such evil Counsellors against whom there shall be any just Exceptions: And for the Committing of his own Business, and the Affairs of the King to such Counsellors and Officers as the Parliament may have cause to confide in.

The Reasons, Because all those ill effects we feel were produced by those ill Counsels, in all the three Fundamentals before spoken of.

- (1.) In matters of Religion.
- (2.) In the King's private Estate.
- (3.) In the good of the whole Kingdom.

All these Three have decayed, but those of another Kind and Allay have much prospered of late amongst us; as matters of Monopolies, matters of Projects, and new Inventions.

Here he told your Lordships a Tale of a Gardner, who being demanded why the Weeds grew so fast and the Flowers so thin in his Ground-Plot, answered, That the Weeds were the true Children, but the Flowers were but so many Slips and Bastards. So, saith he, it is written, That Kings should be our Nursing-Fathers, and Queens our Nursing-Mothers, but we have found here of late, by reason of bad Counsellors, no Nurses, but Hirelings of the Publick State; these therefore are especially to be removed, for the reducing of the Kingdom to a better Condition and Posture,

Howbeit this Request is by the Commons recommended but in general for the present, without pointing out, or designing of particulars, in hope the

June,
1641.

the King will find them out himself: Otherwise it will cause the House of Commons to reduce this Petition to Names of Particulars; and therefore they desire your Lordships so to commend it to his Majesty, that he would put the Affairs of his own and the Kingdom into such hands, as his Majesty and the Parliament may confide in.

Fourth Head.

The Fourth Head concerns the Queens Majesty, and consists of several Branches.

(1.) That his Majesty will be graciously pleased by Advice of his Parliament, to persuade the Queen to take some of the Nobility, and others of Trust into her Service in such Places as are now of her disposing.

Reason.

She shewed her self ready to do any thing for the Common good of the Kingdom, and this is of that kind.

(2.) That no Jesuit be entertained into Her Majesties Service, nor any Priests Natives of his Majesties Dominions.

The Reasons of this. First, Because Banished in all other Courts of Catholique Princes. Secondly, Against the Laws of our Nation, that Native Priests should be here.

(3.) That the Colledg of Capuchins at Denmark-House may be dissolved, and the Persons sent away out of the Kingdom for these Four Reasons:

1. Their being here is a Scandal to our Religion, and a Danger to our Peace.

2. Disaffection to the State manifested in Two Letters dated May, 6. whereby many Slanders are cast upon the Parliament and the good Subjects under the Name of Puritans, as disaffected and injurious to the Queens Person, and thereupon the Cardinal excited to some Design against England.

3. The Letter of Nathanael Phillips, wherein by way of Reproach unto the Parliament he writes, That the Protestation taken in both Houses is like the Scottish Covenant, but somewhat worse.

4ly, That divers Informations are given of great quantity of Gold Transported by these Priests.

(4.) The Fourth Branch concerning the Queen, is upon the special Occasion of his Majesties absence, That your Lordships would joyn with the House of Commons to Advise the King.

That some of the Nobility and others of Quality with a competent Guard, may be appointed to attend the Queen for the Security of her Royal Person against all Designs of the Papists, and others ill-affected to the Peace of the Kingdom.

The Reasons for this, First, To secure Her from Popish Attempts.

Secondly, By the Watchfulness of those Worthy Persons, Priests and Jesuits may be kept from the Court.

He protested, That herein they intended nothing of Disrespect; he said it was a blessed thing to be kept from Temptation; and to be rid of those Flies, would gain the Queen the Love of the People in his Majesties Absence.

Fifth Head.

The Fifth Head concerning the Prince, and the rest of the Royal Issue.

That some Person of Publique Trust, and well-affected in Religion, may
by

by Advice of the Parliament be placed about the Prince, and may take Care of his Education, Especially in matters of Religion; and the like Care to be taken of the rest of his Majesties Children.

June,
1641.

The Sixth Head concerning Papists coming to Court, consisted of Four Branches.

Sixth Head.

(1.) Humbly desired by the Commons, who desire your Lordships to Joyn with them in that Petition, That his Majesty would be sparing in Licencing Papists to come to Court.

(2.) That if they come without License, they may be punished severely, and the Laws be put in Execution.

(3.) That if any English-woman that is a Papist be about the Court, she may not reside.

(4.) That no Pension be paid to any lying beyond the Seas, which are of dangerous Condition; And further, That English Ladies Papists be removed from the Court, and his Majesty moved for his Assent, That the Persons of the most Active Papists be so restrained, as shall be necessary for the Safety of the Kingdom, even Lords as well as others.

The Seventh Head, concerning the Nuncio's.

Seventh Head

That it may be declared by an Act of Parliament, That if any man shall presume to come to this Kingdom with Instructions from the Pope or Court of Rome, that he shall be in Case of High Treason, and out of the Protection of the King and Laws.

The Eighth Head, concerning the Security and Peace of the Kingdom, consisted of Four Branches.

Eighth Head.

(1.) That men of Honour and Trust be placed Lord Lieutenants in every County, and that direction be given to the Lieutenants to be Careful in the Choice of their Deputies.

(2.) That the Trained Bands be furnished with Arms, Powder and Bullet, and that they be Exercised, and made ready for Service; also that an Oath be prepared to pass both the Houses of Parliament, (or else where Oaths cannot be Enjoyned) to be taken by the Lord Lieutenants, Deputy-Lieutenants, and other Officers of Trained-Bands, and to secure their Fidelity in these Dangerous Times.

(3.) That the Cinque-Ports, and other Parts of the Kingdom may be put into good Hands, and a List of those who Govern them may be presented to the Parliament, and that those Persons may be altered upon Reason, and that Especial Care be taken for Reparation and Provision of the Forts.

(4.) That my Lord Admiral (that Noble Lord, of whose Honour the House of Commons stand secure) be desired to inform the Parliament in what Case the Navy is, that if there be any defect, it may be provided for out of the Money which is to come upon the Bill of Tonnage and Poudage; And that if any suspected person have any Command in any of his Majesties Ships, that he may be removed.

The Ninth Head was, That his Majestie will be pleased to give Directions to his Learned Counsel, to draw a General Pardon, in such a Large and Beneficial manner as may be for the Security of his Subjects.

Ninth Head.

The Tenth Head was, That a Select Committee of the Lords may joyn
Vol. II. S f with

Tenth Head.

June,
1641.

with a proportionable Number of the House of Commons from time to time to confer about the particular Courses, as may be most Effectual for the Reducing these Propositions to Effect for the Publique Good.

See here the Sketch or rough Draught of the Ensuing Rebellion and Revolution which had been so long hatching by these Popular and Pretended Patriots.

For that they might either totally Abrogate, or at least Reduce the Imperial Monarchy of these Nations to a *Venetian* Dukedom; or, as afterwards, to an Oligarchical State, it was necessary they should possess themselves of the Power of the Militia, the Forts, Garrisons and Strength of the Nation, and to put out all those who were the King's most Loyal Subjects, and true to Monarchy and Parliaments upon the Old Foundation of the Three Estates, out of all Power and Trust, as Evil Counsellors; and to put into their places such persons as the Parliament might confide in, which were those of the *Puritanical* Faction: And because the King would not subject himself to the Tyranny and Arbitrary Government of these his Subjects, they therefore endeavoured to persuade the People, that the King by the Suggestion of his Evil Counsellors intended to do so Himself, and set up Arbitrary Power over them: upon this point of the *Militia* it was that the matter came to the Fatal Umpirage and Decision of the Sword.

And lest the King should, to prevent this Imposition upon his Royal Prerogative, have gotten into the Affections both of the *English* and *Scottish* Army, whose Mercenary Temper from Experience they very well knew, they were now so solicitous for the present Disbanding, which if it could not be accomplished so soon as they desired, yet the setting a Guard upon the Queen, was to have a Pawn which they knew was very dear to his Majesty, to secure themselves against all Events.

However, it was a high point of Wisdom in them to procure a Full and General Pardon for what they had already done and attempted, which was only to be Beneficial to themselves and their own Party, all the *Incendiaries*, and *Malignants*, and such as they had put the Brand of Impeachment or Accusation upon, being to be Excepted, as was afterwards Urged in the House upon Mr. *Selden's* pressing it in Favour of Sir *John Suckling*, Commissary *Wilmot*, and some others.

A Message was brought to the House from his Majesty, to let them know, *That his Majesty gives Consent to the Disbanding of the Army, and wishes it may be done with Honour and Safety to the Nation.* His Majesty also acquainted them, *That the Pope's Nuncio should be presently sent away out of the Kingdom.*

This Day in the Lords House, the First, Second and Third Heads of the Ten Propositions delivered by Mr. *Pym* at a late Conference, were publickly read; and for the Freer Debate of the same, the House was adjourned into a Committee during Pleasure, and after a long Consideration of them, they were agreed to.

After which the House was reassumed, and it was moved, *That the Inhabitants of the Counties of Northumberland, Bishoprick of Durham, and Town of Newcastle do desire, That a Commission may Issue to certain Gentlemen of the said Counties, joyned with such Scottish Gentlemen as shall be named by the Scottish Commissioners at Newcastle, whereby they may be authorized where there are differences of Account between the Scots and the said Inhabitants.*

(1.) To

Friday,
June 25.
Message from
his Majesty
about Dis-
banding.

The 1, 2, & 3.
of the 10 Pro-
positions
Agreed to by
the Lords.

Order con-
cerning the
Northern
Counties to
take their
Accounts.

June,
1641.

(1.) To Examine Witnesses upon Oath, what Moneys have been paid by the said Inhabitants or any of them, for or towards the Relief of the Scottish Army since the 28. of August last.

(2.) To Examine upon Oath, what Hay, Corn, or other Goods have since the said time been taken from the Inhabitants or any of them, by any Officer or Officers, or other person of the said Scottish Army, and for which no Payment or Satisfaction hath been made to the said Inhabitants.

(3.) To Examine upon Oath, what Sum or Sums of Money are justly due and in arrear by the said Army to the said Counties or any Inhabitants thereof, for Billetting any Horse or Foot of the said Army.

Ordered, That the Clerk of the Crown do issue out a Commission accordingly.

A Message was brought from the House of Commons by Sir John Culpeper, to acquaint their Lordships with Three Votes made in their House concerning the Scots. Two Voted the 19th of this Instant June, and the other made this Day, and desired their Lordships to take them into Consideration and Confirm them.

Message about the payment of the Scots the arrear of the Brotherly Assistance.

The Votes were these :

Resolved, That one Moiety of the Brotherly Assistance that is in Arrear, shall be paid at Midsummer come 12 Month, and the other Moiety at Midsummer come 2 Tears.

Resolved, &c. That an Act of Parliament of Publique Faith shall pass for Security to be given for the Brotherly Assistance that is in Arrear.

Die Veneris 25. Junii, 1641. Resolved, &c. That the House of Commons doth declare, That the Sums of Money, Arrear for the Brotherly Assistance to be comprised in the Act of Parliament, is 220000 l.

Then it was Resolved upon the Question by the Major part of the Lords, That this House doth approve of these Votes of the House of Commons.

Memorand. That this Vote doth not Engage this House in any Moneys, but to strengthen the Votes of the House of Commons, thereby to prepare an Act of Parliament for the Publique Faith.

An Officer being sent with a Warrant to apprehend Father Phillips, and Waiting for him at Whitehall, Complaint was made to the King about it ; And the Lord Chamberlain by the King's Command, sent for the Officer to Examine him by what Authority he came into the Verge of the Court to attach any person ; who shewing him his Warrant, desired he would trust him with it to shew it to the King : Which the Officer did, and the Lord Chamberlain soon after returning, gave this Answer, That his Majesty would Satisfie the House about it, if Phillips did not appear.

Thus did these men who made such Outcries against the least infringement of their Priviledges, make no scruple to invade the Undoubted Priviledge of his Majesty and his Royal Court.

However, Phillips did appear in the Afternoon before the Committee, where he was Examined about this Ensuing Letter, as I find it in the Book of Speeches.

Copy of Father Phillips his Letter to Mr. Mountague in France.

THe good King and Queen are left very naked ; the Puritans, if they durst, would pull the good Queen in pieces ; Can the good King of France suffer a

June,
1641.

Daughter of France his Sister, and her Children, to be thus affronted? Can the Wise Cardinal endure England and Scotland to unite, and not be able to discern, in the end it is like they will joyn together, and turn head against France? A stirring active Ambassador might do good Service here; I have sent you a Copy of the King's Speech on Saturday last, at which time he discharged his conscience, and was advised to make that Speech by the Earl of Bristol, and the Lord Sey, but I believe there is a mistake in the Writing, and that it should have been the Lord Savyll.

This Speech did much operate to the disadvantage of the Earl of Strafford, for the Commons were much thereby incensed, and inflamed against him, and this brought forth the next day, being Monday, a Protestation which was taken in both Houses of Parliament, of the same nature, but rather worse then the Scottish Covenant.

The Londoners who were very boysterous came upon Munday, 5 or 6000, and were so rude, that they would not suffer the Lords to come and go quietly and peaceably to their Houses, but threatned them, that if they had not Justice, and if they not his Life, it should go hard for all those that stood for him, following them up and down, and calling for Justice, Justice, Justice.

There was in the House of Commons, fifty six that denyed to pass the Earl of Strafford's Bill, their Names were taken, and they were fixed upon Posts, in divers parts of London, and there was Written over the Head, These are Straffordians the betrayers of their Country.

By this means it came to pass that the Lords and Judges were much affrighted, and the most of his Friends in the Lords House forsook him; all the Popish Lords did absent themselves; the Lord of Holland, and Hartford, were absent, so was Bristoll, and others, Savyll and the Duke only stuck close and faithfully to him, and some few other Lords; God knows the King is much dejected, The Lords much affrighted, which makes the Citizens, and House of Commons shew their Heads; some have braved little less then to unthroned His Majesty, who if he had but an ordinary Spirit, might easily quash and suppress these People. Our good Queen is much afflicted, and in my Conscience, the Puritans, if they durst, would tear her in pieces, This cannot be for the Honour of France, to endure a Daughter of that Nation, and her Children should be thus oppressed and affronted.

The Earl of Holland is made General of the Army, whither he is gone down; The Earl of Newport, Master of the Ordnance: Belfoord the Lientenant of the Tower, hath proved an errand Traytor to the King, who commanded him upon his Allegiance to receive a Captain and 1000 men into the Tower, which he most Traiterously refused to do; one clause is omitted, which should have been placed in the middle of the Letter, which was to this effect, that there was a report in London, That the Parliament House was on fire, whereupon there were more then 1000 People very suddenly gathered together, whereby you may easily perceive the hight and violence of the Peoples affections, May 6. Anno Dom. 1641.

This Letter was thought to be sent from a Priest, calling himself Father Philips to Mr. Montague.

There was another Letter, and that was sent from one Robert Philips, one of the Queens Priests, and it is supposed to be to Master Montague, to this effect. You may expect some company with you ere long; Crofts, Suckling, Piercy, Jermyn, are gone; all things here are in great incertainties. Protestation is made, and taken by both Houses much like, but much worse, then the Scottish Covenant. I sent you some money by Master Jermyn, but now that he is gone, I make some doubt whether he might be mindful of you to take it with him, I have spoke to the Queen about your occasions, and will do what I can, though I am not able to undertake much.

Your Loving Friend,

Francis Philips.

There is one Passage in this Letter which makes me apt to suspect it to be a Forgery of some of the Party, and that is in the 5th Paragraph, where speaking of the Earl of Strafford, he saith, *That most of his Friends*
in

June,
1641.

in the Lords House forsook him; all the *POPISH* Lords did absent themselves. For certainly no Roman Priest would call them *Popish*, but *Catholique* Lords, which is their constant Dialect when they speak of those of their own Sect, and a peculiar Honour they arrogate to themselves; whereas they disdain the word *Popish*, as generally bestowed upon them in Distinction and Contempt by the Protestants.

Let it be as it will, Real or Counterfeit, it served their Turn, made a mighty Noise, and furnished them with a fresh Supply of those Fears and Jealousies with which they intoxicated the People, and gave them a Rise for the Wheel that was now upon Motion to stop the King's intended Journey into *Scotland*, of which they were not a little jealous and distrustful.

A Petition from several Ministers of *Wales* was Read and referred to the Committee for Scandalous Ministers. Thus the Indulgent Mother-Church of *England* had nursed up Undutiful and Unnatural Children to Rebel against Her: a sort of Amphibious Hypocrites, who could conform and swear Obedience to her Laws and Government, while she was in Prosperity, but Petition to pull her down when they saw her Entering into the Red Sea of Persecution; they who had Sucked her Breasts, and Eat of her Bread, now lifting up their Heels against her, and her Enemies being those of her own House.

welch Petition.

This Day the House of Lords was adjourned, during Pleasure, into a Committee, to debate the rest of the Ten Heads brought up from the House of Commons. And the House proceeded to the Fourth Head concerning the Queens Majesty.

The further Debate of the 10 Propositions in the House of Lords.

And it was Ordered, *That for the present this Head and Branches be laid aside untill the Articles made at the Marriage be seen.*

Then the Fifth Head and the Branches were debated and agreed to.

The Sixth Head, the second Branch agreed to. The third Branch, Agreed to joyn with the House of Commons to Petition His Majesty to prevent it hereafter, and to let the House of Commons know, *That there is but one English Lady about the Queen that is a Papist, and to acquaint them with the quiet Condition of that Lady.*

The 4th Branch agreed to.

The Fifth Branch concerning *Active Papists*, Agreed to know of the House of Commons, *Who they mean by Active Papists, and how far the Extent is to be?*

The Eighth Head concerning *the Security and Peace of the Kingdom*, the first Branch agreed to, the second Branch to be treated of at the Committee. The third Branch also left to the Committee. The Fourth Branch, Ordered, *That the Earls of Essex and Leicester, and the Lord Kymbolton, do acquaint the Lord Admiral with it.*

The Ninth Head referred to the Committee, and they to call the King's Counsel.

The Tenth Head agreed to concerning a *Select Committee of Lords to joyn with a proportionable number of the House of Commons from time to time to confer about these particular Courses as shall be most Effectual for the Reducing of the Propositions to Effect for the Publique Good.* And these Lords following were appointed to be Committees for the same, *Viz.*

Lord Chamberlain, E. Bath, E. Essex, E. Dorset, E. Sarum, E. Warwick, E. March. Their Lordships to meet when they please.

The

June,
1641.

* Message
from the King
about Dis-
banding,

* The Lords that were appointed to Wait on His Majesty, returned this Answer, *That the King will give Order to his Attorney-General to issue forth and publish a Proclamation speedily, and hath given Directions for Letters to be written to the Deputy-Lieutenants from the Lord Lieutenants to assist them with Power, if occasion shall serve, for the quiet Conveying the Soldiers through the several Counties which they pass. And lastly, That his Majesty is willing the Earls of Holland and Newport do go into the North to their several Charges in the Army at the time prefixed.*

Saturday,
June 26.

There was a Motion made from the Earl of *Holland* General of the Army, who was going down, in order to the Disbanding, *That he might have an Act to impower him to Exercise Martial Law, if the Soldiers should prove Mutinous*; but it was rejected: only they Resolved to procure a Proclamation to be sent down for the punishment of the Soldiers, if they should be disorderly, by the Justices of Peace, and that the Justices and other Civil Officers should see the Soldiers orderly Conducted through their respective Counties, to the places of their aboad.

Message from
the Scots Com-
missioners
about the
Kings Journey
into Scot-
land.

There was also a Message from the Scots Commissioners, to acquaint the House, *That they were informed that they had Voted against his Majesties going into Scotland, as he had graciously promised them; which, they said, might be of great prejudice unto them, for that they had sent Proclamations through the Kingdom of Scotland for his Majesties Entertainment within a certain limited time, and therefore they desired the House would take it into Consideration: Nevertheless, they did not desire that his Majesty should go till Matters were well settled here, provided it might not be prejudicial unto them by causing some Jealousies among the People there.*

Monday,
June 28.
Sir William
Savil released
from the Tower.

Sir *William Savil* this Day Petitioned the House, upon which it was Ordered, That he should be discharged from his Imprisonment in the Tower.

A Committee of 48 appointed to meet 24 Lords at a Conference in the *Painted Chamber*, about the *Propositions* delivered by Mr. *Pym* on Thursday last concerning the King's going into Scotland, &c.

The Lord
Major and
Aldermen of
Londons Peti-
tion about
chusing one
of the Sher-
iffs.

In the House of Lords this day the Petition of the Lord Mayor and Aldermen of the City of *London*, lately presented to the King, was by his Majesty's Command delivered to the House, and referred to the determination of the Parliament.

The effect of the Petition was concerning the sole Election of one of the Sheriffs of *London*, which the Lord Mayor claims to have by prescription of Three Hundred Years; to which the Commons of the said City dissented, unless it be with their Confirmation and Approbation.

Hereupon it was Ordered, *That the Lord Mayor, Recorder, and some of the Aldermen, and some of the Commons of the City of London, shall have notice to attend this House to morrow morning at Eight of the Clock, at which time their Lordships will hear both sides what they can say in this business.*

Message by
Mr. *Pym* a-
bout the Arch
bishops Charge
and Trial.

A Message was brought from the House of Commons by Mr. *Pym*, who was commanded to let their Lordships know, *That formerly they brought up an Impeachment of High Treason against the Arch-Bishop of Canterbury, which hath lain asleep ever since; but now they intend to proceed, and Examine divers Witnesses concerning that business; therefore*

desired

desired their Lordships that a select Committee may be appointed to Examine such Witnesses as the House of Commons shall desire, and that to be in the presence of some Members of the House of Commons as they shall appoint: and that the Examinations be kept secret as in the Case of the Earl of Strafford: and as that they have made an Order in their House, to Examine such Members of their House as are requisite, so they desire their Lordships will be pleased to provide, that such Members and Assistants of this House as they shall nominate may be Examined.

Whereupon it was Ordered, That this House will joyn with the House of Commons in this Message.

Ordered, That the same deputed Lords do take the Examination of Witnesses upon Oath in the Cause concerning the Arch-Bishop of Canterbury, as were deputed in the Earl of Strafford's, and the same Oath to be Administred, and the same Course to be observed in the rest of the Particulars.

Ordered, That the now Earl of Bedford shall be added to the Deputed Lords in his Father's room, and Mr. Attorney General, and Mr. Serjeant Glanville are appointed to write down the Examinations.

This afternoon, it being a considerable time before there were Forty Members to make a House, it was Ordered, That so soon as the House Sits, and that the Serjeant comes to any Committee then Sitting, to signify to them that the House is Sitting, that the Chair-man shall immediately come away to attend the Service of the House.

Ordered, That the Committee for the Bishop of Bath and Wells sit to morrow in the Afternoon at Two of the Clock in the Dutchy Chamber.

The Case of one Mr. Smith, a Minister, formerly suspended by Sir John Lamb, being reported to the House, it was

Resolved, &c. That Mr. Smith was illegally suspended by Sir John Lamb, and that Sir John Lamb ought to give him reparation and satisfaction for his damages sustain'd by that Suspension.

Mr. Hide reports the Articles against Sir John Bramston Knight, Lord Chief Justice of the King's-Bench. All which being singly Voted together, with the Title, were ordered to be ingrossed in order to their being carried up to the Lords.

Upon the opening of the Cause between the Lord Mayor and Aldermen, and the Commonalty of London, concerning the Election of one of the Sheriffs, which formerly hath been chosen by the Lord Mayor, and presented to the Commonalty on Midsummer-day for their Confirmation; and likewise the differences concerning the Nomination and Election of other Officers now in question between the said Lord Mayor and the Commonalty; the Lord Mayor alledging the said Sheriff and Officers to be Nominated and Confirmed by him, according to the constant practice of the said City for 300 years last past, without any contradiction or gain-saying: But the Commonalty alledging on the behalf of the Commons, that they had interest in the said Nomination and Elections, It was thereupon Ordered by the Lords in Parliament, That the said Lord Mayor shall call a Common-Hall on Friday, 2 July, 1641. Which Common-Hall is to consist of the Masters and Wardens, and Li-

very-men

June,
1641.

A standing
Order of the
House.

Votes in the
Case of Mr.
Smith a sus-
pended Mi-
nister.

Mr. Hide Re-
ports the Ar-
ticles against
Lord Chief
Justice Bram-
ston.
The Contro-
versy between
the Lord Ma-
jor and Com-
monalty of
London about
Election of
one Sheriff
heard.

June,
1641.

very-men of the several Companies of London, and no other. And that the Commonalty are then to Assemble in a peaceable and quiet manner, to settle and compose the Differences between the said Lord Mayor and themselves if they can; if not, then to make choice of Six discreet persons of the said Commonalty to treat and debate this business between them, and settle and compose all differences among themselves, between this and Friday come seven-night, being the Ninth of July, 1641. But in case the said Differences cannot be composed, then the pleasure of the House is, that the said Cause shall be heard in open House at the Bar on the said Ninth of July: And that in the mean time the said Persons so chosen as aforesaid, shall have free liberty by themselves, their Council and others that they shall employ, to View and Transcribe such and so much of the Charters of the said City, Acts of Common Council, Books of Entries of Elections and Accompts, and all such other Acts and Records as shall or may concern the said Causes in Question; and that all Clerks and others, in whose Custody the said Instruments are, shall be assisting to the said Searchers: And lastly, that if the Cause shall come before the Lords in Parliament, that then the said six Persons so chosen as aforesaid, shall attend the same before their Lordships.

Thus Early did the Faction grasp at every thing of Power and Authority, and the Common-Halls endeavouring to divest the Lord Mayor of his Priviledges, was but a fore-runner that the House of Commons would do the same, and set up the Popular Authority above that of their Sovereign Lord the King, of whom the Lord Mayor was the immediate Representative.

Then the Earl of Bristol Reported to the House, That the Lords Commissioners had met with the Commissioners of Scotland, and delivered unto them the Paper concerning the time of his Majesties Journey into Scotland; Which was read *in hæc verba*. Viz.

“ His Majesty hath Commanded us to let you know, That whereas
“ he hath been Petitioned by both Houses of Parliament for some stay
“ of his Journey to Scotland until the Armies be Disbanded, and that
“ divers other things for the Peace and Good of this Kingdom be settled;
“ And whereas his Majesty doth acknowledg himself ingaged by
“ his Promise and by his Letters, as likewise by his late Proclamation
“ declaring his Resolution to be present at the Holding of the Parliament
“ in Scotland at the day in the Proclamation limited, his Majesty
“ being desirous to give Satisfaction to the Parliaments of both Kingdoms,
“ hath Commanded Us to declare unto you the Desire of the
“ Parliament of England, and to Treat with you how his Going may
“ be best Fitted and Accommodated to the Convenience of both Kingdoms
“ and the Desire of both Parliaments.

Then was read the Scottish Commissioners Answer hereunto, which follows,

“ We do with all Thankfulness acknowledg his Majesties Royal and
“ Tender Care of Settling the Affairs of his Ancient and Native Kingdom
“ of Scotland, and the Constancy of his Resolution according to
“ his Royal Promise and Proclamation to be present at the Day appointed.

“ Our Affection also toward the Settling of the Affairs of England
“ and the Desires of the Houses of Parliament that his Majesties Journey
“ to

The Earl of
Bristol's Report of the
Scots Commissioners
Answer about
the staying
the Kings
Journey, June
29. 1641.

June,
1641.

“ to *Scotland* may be stayed for some time, to that Effect, do so far
 “ prevail with us, that we shall deal most Earnestly with the Parliament
 “ of *Scotland*, That they Adjourn their Meeting till the 5th of *August*;
 “ or if they shall find that a new Adjournment of the Parliament after
 “ so many Prorogations be so prejudicial to the present Condition of the
 “ Affairs of that Kingdom, that it cannot be granted; We will Endeavour,
 “ That they may in their Meetings be only Exercised in preparing
 “ Matters for the Parliament; and that they determine nothing,
 “ nor make any Act, till the day Designed for his Majesties coming:
 “ But withall we must signifie, That the present Constitution of that
 “ Kingdom for want of Councel, Session, and other Courts of Justice,
 “ and many other Difficulties daily through delayes growing Greater, is
 “ such, that it cannot suffer longer delay.

“ And therefore that the Houses of Parliament would be pleased so
 “ far to Express their Reciprocal respect of our Affairs, that they will
 “ give present Assent to his Majesties Coming in his Royal Person at the
 “ day aforesaid; without which we can have no ground to deal with
 “ the Parliament to the Effect above.

Adam Blaire.

Which Answer their Lordships taking into Consideration the House did incline that the King should go his Journey to *Scotland* at the prefixed time, *Provided that the Armies be Disbanded, and the Bills pass which are ready, and will be ready for Settling the Peace and Security of this Kingdom before that time*; And upon signification that his Majesty Commanded the abovesaid Answer to be Communicated to both Houses of Parliament, it was Resolved to have a Conference with the Commons; Which being done accordingly, a Message was brought from the House of Commons by Mr, Secretary *Vane*, to let them know, *That upon the Report made to the House of Commons concerning the time of the King's Journey to Scotland, they have taken the same into Consideration, and they desire in Regard of the Weighty Affairs of the Kingdom at this time, that their Lordships would joyn with them in Petitioning his Majesty, That he would be pleased not to begin his Journey to Scotland from hence untill the 10th of August next.*

To which their Lordships Answer, *That their Lordships will Joyn with the House of Commons in their Desires, and will appoint some Lords to Attend his Majesty for his Answer herein*; And the Earl of *Essex*, Earl of *Warwick*, and Earl of *Bristol* were appointed to move the King herein for his Answer.

The Earl of *Bristol* returned with this Answer from his Majesty. *That he is engaged by Promise to be in Scotland by a peremptory Day; but if the Lords Commissioners do Treat with the Scots Commissioners for further Time for his Journey, and they Consent thereunto, his Majesty will refer himself to it.*

Upon this the Lords Commissioners were appointed presently to meet with the Scots Commissioners, and move them herein; and it was returned, *That the Scots Commissioners hope the Parliament of Scotland*

June,
1641.

will give way for deferring the King's Journey until the Tenth of August; but desire the Houses of Parliament will declare whether they Consent to the King's going then, or what other certain time the Parliament will agree to.

And after a Conference with the Commons upon this Subject, the Earl of Bristol reported, That the House of Commons by way of Answer to the Conference, do present a Vote which was passed in their House, which was read as followeth:

Resolved upon the Question, That this Answer shall be returned to the Lords, To desire their Lordships to joyn with this House to Petition his Majesty, that he will be pleased to stay his Journey into Scotland, until the 10th of August; and that if then he shall please to take his Journey, this House shall Submit unto it.

Hereupon it was Ordered, *That this House doth Assent to the Vote of the House of Commons.*

Upon the Petition of one Mr. Cradock it was Ordered, *That the Committee for Scandalous Ministers should be revived to Sit on Friday, and the Petition was referred to them.*

Upon Reading the Petition of the Parson and some of the Inhabitants of the Parish of St. Thomas Apostles in London, complaining that John Blackwel, Francis Web, Thomas Colley, Michael Robinson, Zacheus Isles, George Dye and John Roberts, did in a violent manner break down and carry away the Rails about the Communion-Table in the said Church: Hereupon it was Ordered, *That the Parties aforesaid be sent for to Answer these misdemeanours on Friday next.*

So hot were these Zealots for this pretended Reformation, that the late Sentence of the Lords against some of their Brethren in Iniquity was not able to cool it: But the truth is, they were not only backed, but set on by some sticklers in the House of Commons, who had a design against these Superstitious and Idolatrous Rails, and thought it a good expedient to usher it in, by shewing how grateful a piece of Reformation it would be to the Godly and well-affected Party.

The Bill for the Poll-mony was this day read in the House of Lords, and upon some dislike about the inequality of the Rates, the Bishops pleading their inability to pay their First-fruits, Tenths, Subsidies and that too, a Conference was desired by the House of Lords with the Commons, at which Conference the Lords delivered the Bill back to have some Clauses inserted therein; desiring that they might Rate their own Members, as the Commons did theirs: But the Commons insisted upon it to be the undoubted Priviledge of the House of Commons to impose Taxes; upon which occasion Sir Simon D'Ewes made this following Discourse to their Lordships.

My Lords,

I Shall humbly crave liberty to shew you, that the House of Commons hath done no more in rating, and proportioning of these particular Summs upon your Lordships, then by the Ancient rights and priviledges of Parliament they might; and to speak the truth they could in possibility do no less.

It hath been several times spoken in this place, no less justly then nobly, by some of your Lordships, that all matters of supply should originally proceed from the House of Commons: for so hath been the practice of former times in the ages past.

Committee
for Scandalous
Ministers re-
vived.

A Petition
against several
Sectaries for
pulling down
Rails at St. Tho-
mas Apostles,
London.

Wednesday,
June 30.

Sir Simon
D'Ewes his
Speech about
the Poll-Bill
at a Confe-
rence June 30.
1641.

July,
1641.

In the Parliament Roll, *de Anno. 9. H. 4. Numero 21.* when the Peers began, but in a small circumstance to trench upon this priviledge of the Commons, there arose a long, and an earnest debate upon it, the issue of which produced a full declaration agreed upon, by both Houses; That matter of supply, must first proceed from the grant of the Commons, and then be assented unto by the Lords: so as if we had sent up the present Bill, either with blanks for your Lordships to have filled them up, or have left you out wholly, to have inserted your own degrees and proportions (one of which we must have done, if we had not proceeded as we did) it must of necessity have followed, that your Lordships, contrary to the undoubted priviledge of the same House, had originally granted aid and subsidy, and the Commons had but assented.

Before that time, though not upon so great an occasion, it was declared in Parliament, as appears in *Rotulo Parliamenti, de Anno 5. R. 2. n. 16.* That the House of Commons are first to treat of matter of supply, to resolve upon it, and then to communicate thir resolutions to the Peers. Now, my Lords, our resolutions are most properly couched in a Bill, so as we did transmit the present Grant of Aid and Supply to your Lordships in the Ancient and due Form.

But perhaps your Lordships will say, you question not that general right we have of granting Subsidies, that it is to receive its Birth, and Being from the House of Commons; but that in this particular case of Poll-money, you expect a particular satisfaction, and much more to see it proved, that the Peerage of England were ever before rated in such a Bill.

For the first, my Lords, this way is an Ancient, and a known way; it began in the time of that Wise and Victorious Prince, King *Ed. 3.* as appears upon Record in *Rotulo Parliamenti, de Anno 51. Ed. 3. Numero 19.* And I assure my self neer upon three hundred years continuance is able to challenge both allowance and imitation, from this present Age.

During the Reign of *R. 2.* his Grand-child, this course of raising money by the Poll, was again put in practice, as an advantagious and a speedy way. Your Lordships shall find one example of it in the Parliament Roll, *de Anno 4. Rich. 2. n. 15.* being almost the same with that rate and proportion granted in the time of *Edward the Third.*

But that Record which comes home to this case, and is an identical president in the very particular before your Lordships to give you full satisfaction, is found in *Rotulo Parliamenti in Parlamento 2.* (for the miseries at home, and the calamities abroad, caused in one year sometimes two, sometimes three Parliaments, in those elder times) *de An. 2. Rich. 2. n. 14.* where the Dukes, Earls, and Barons are all particularly rated, and the Duke of Britain is there assessed as a Duke, though he were a Free Prince, and had only the Title of Earl of *Richmond* in England. Nay, my Lords, the House of Commons at this time hath come far short of the same president, in favour of the Noble Ladies: for whereas the Countesses Dowagers were rated at the same proportions with Earls, and the Widows of Barons at as high a rate as the Barons themselves, we have now eased them of two parts of that, and only charged them with the third.

I hope now your Lordships have seen both reason and president for our proceedings at this time, you will be pleased to believe, that the House of Commons will be as careful, and tender of your Lordships Rights, and Priviledges, as of their own.

We know, my Lords, that this is the way to preserve peace and unity between us, which as it is always expedient, so is it at this time most necessary. For the two Houses are as the two Arms of the Kingdom; if we hold fast together, we shall be able to Accomplish great things worthy to be transmitted to after-Ages, but if we dissever and disunite, we may end in ruin and calamity.

So much of the said Record, as concerns the rating of the Nobility and Gentry, is here added, it being presented thus ready written at the said Conference.

July,
1641.

Rot. Parliamen. in Parlamento 2. de An. 2. Rich. 2. N. 14.

Le Duc de Lancaſtre & le Duc de Bretagne cheſcun a—x. Markes, cheſcun Conte D'engleterre —iiii. l. Cheſcun Counteſſes veoves en Engleterre a tant come les Count iiiii. l. Cheſcun Baron & Baneret ou Chivaler qui poet a tant diſpendere—xl. s. Cheſcun Baroneſſe veove paiera come Baron & Banreſſe come le Baneret—xl. s. Cheſcun Bachiler & cheſcun Eſquier qui per Le ſtatute devcroit eſtre Chivaler—xx. s. Cheſcun veove Dame feme de Bachiler & on Eſquier al afferant—xx. s. Cheſcun Eſquire de meindre eſtate vi. s. vii. d. Cheſcun feme veove de tiel Eſquire ou Marchant ſuffiſant—vi. s. viii. d. Cheſcun Eſquier nient poſſeſſion de terres ne chateaux queſt en ſervice ou ad eſte armes—iii. s. iiiii. d.

Captain Hugh
Pollard Bailed.

Captain Pollard this day Petitioned the Houſe, that he might have liberty to go into the Country to viſit his Father who lay very ſick, and was ſo far diſpleaſed with him upon the miſfortune of his Accuſation, that he was afraid he would diſinherit him; and the Earl of Eſſex and another Lord offering to be Bail for him; it was Ordered, *That by Warrant from the Speaker he ſhould be delivered from the Gate-Houſe to the Serjeant at Arms, who was to take Bail of 1000 l. from himſelf, and 500 l. apiece from his Bail, for his appearing upon Monday three weeks.*

Thursday,
July 1.
Stannery Bill
paſſed the
Commons.
The Articles
againſt the
Judges Voted.

The Bill for Regulating the Court of *Stanneries* was this day read a third time, and paſſed the Commons.

Mr. Hide reports the Articles againſt Judge *Crawley*, Sir *Humphrey Davenport*, Lord Chief Baron of the Exchequer, Sir *Thomas Trevor* Baron of the Exchequer, Sir *Richard Weſton* Baron of the Exchequer, which were ſingly Voted and ordered to be Engroſſed; and a Conference to be deſired with the Lords, and that Sir *Randal Crew's* Caſe be then recommended to their Lordſhips, to move his Maſteſty to recompence him with Honour for his Sufferings for the Publick.

Mr. Peard Re-
ports Mr.
Faunt's Caſe.

Upon Mr. Peard's reporting of the Caſe of Mr. *Faunt*, it was

Resolved, &c. That the Sentence in the Star-Chamber againſt Sir William Faunt was without ground of any thing that appears either in answer or proof.

Resolved, &c. That the ſaid Mr. Faunt and his Father, as Co-executors, ought to be reſtored to all that was paid either by Sir William Faunt or them.

Resolved, &c. That the Cauſe be repreſented to the Lords, to the end the Sentence may be reverſed, and the Parties reſtored to all that they and their Teſtators have paid.

A Vote againſt
the Council
Board.

Resolved, &c. That neither the Body of the Lords of the Council, nor any one of them in particular as a Privy-Counſellor, hath any power to im- priſon any Free-born Subject, except in ſuch Caſes as they are warranted by the Statutes of the Realm.

Friday,
July 2.

Engroſſed Articles againſt Lord Chief Juſtice *Bramſton*, Lord Chief Baron *Davenport*, the Judges *Crawley*, *Weſton*, *Trevor* and *Berkley*, voted to be carried up to the Lords.

Bills againſt
Star-Cham-
ber, &c. Car-
ried up to the
Lords.

The Bills againſt the Court of *Star-Chamber* and *High-Commiſſion* Court, with the amendments paſſed and carried up to the Lords by Mr. *Capel*, as alſo the Bill for raiſing Mony for the ſpeedy diſbanding the Armies; and to move their Lordſhips to deſire of his Maſteſty his Royal Aſſent to them with all convenient Expedition.

The

The Bill for the Poll-mony with the Amendments were twice read in the House of Lords, and agreed to with this *Memorandum*.

Memorandum, That a Salvo be entred for the preserving the Priviledges of Peers of this Realm, for Rating and Taxing themselves in Subsidies, by Members of this House in time of Parliament.

This day was read a third time the Bill intituled, *An Act for the speedy Provision of Mony for disbanding the Armies, and settling the Peace of the two Kingdoms, of England and Scotland, and it was put to the Question, and contented to pass as a Law.*

Memorandum, That this House will take into Consideration hereafter, how the Bishops may be relieved concerning the Payment of their double Tenths, if they shall see Cause so to do.

A Message was sent to the House of Commons to desire a present Conference by a Committee of both Houses touching Honour.

The subject of the Conference to be, *That both Houses may Petition his Majesty, that Titles of Honour may not be bought and sold for Mony, but that it may be confer'd by his Majesty, as anciently it was, for Vertue and Merit; and also to consult with the House of Commons about a Bill for preventing of this hereafter, and the Bill to begin from the first day of this Parliament.*

The Bills for Regulating of the Council-Board, and taking away of the Star-Chamber; and the Bill concerning the High-Commission Court, being read a third time, and upon the Question were resolved by the major part to pass as Laws, and were sent down to the House of Commons.

A Message was sent to the Commons to let them know that the Lords had sent some of their House to inform his Majesty that the Bills were ready for his Assent.

Mr. Crew and Mr. Littleton ordered to repair to the Lord Keeper, and to desire him from this House, to desire the Judges in their several Circuits so to dispose of their Journeys, that they may not Travel upon the Lords-Day, for the ill example that is given to the Countrey thereby.

A Message was sent from the Lords to certifie the Commons, that his Majesty, who intended to be at the House in the morning, had put it off till the afternoon, at which time he would pass the Poll-Bill, and take time to consider of the other till *Tuesday*. But at this the Commons were displeased, and Voted that they should all pass together; and Mr. *Arthur Goodwin* was appointed to go up to the Lords, to acquaint their Lordships, that the passing of the other two Bills will Expedite the Mony Bill, and to desire them to move his Majesty to do it with all convenient Expedition, and that they will move his Majesty in it; which they did, who return'd this Answer, *That he would in his own person give his answer to their desires.*

In the Afternoon his Majesty coming to the House of Lords, the Commons were sent for by the Gentleman-Usher of the Black-Rod, when the Bills were presented for the Royal Assent, Mr. Speaker entertained his Majesty with this following Speech.

July,

1641.

A Salvo entered by the Lords about the Poll Monney.

Poll Bill passed the Lords House.

Conference to be with the Commons about the Kings bestowing Honours.

Saturday, July 3.
Message from the Commons to the Lord Keeper, that the Judges may not Travel on the Lords Day.

July,
1641.

Mr. Speakers
Speech at the
passing the
Bill for Poll-
Money July 3.
1641.

May it please your Most Sacred Majesty,

THe Government of this Common-Wealth rests in the Rules of Order ; and hath so much affinity and consent with the Rules of Nature, in the Government of the World, That the first Copy and mutation of the one may seem to be taken from the Original, and first Model of the other.

This contemplation (Most excellent and gracious Sovereign) casts our Eyes upon your Sacred Majesty, as that Celestial Orbe, which never resting without the Office of perpetual motion, to cherish the lower Bodies, not enriching it self with any Treasures drawn from below, exhales in vapours from the inferior Elements, what in due Season it returns in showers.

The application makes us consider our selves, those sublunary Creatures, which having their Essence and Being from the influence of those Beams (as the Flowers of the Field) open to receive the Glory of the Sun.

In this Relation, both contribute to the Common good ; your Sacred Majesty as a Nursing Father designed to bestow on your People, the Blessing of Peace, and Unity ; and we as the Children of Obedience return our duties and affections in Aids and Tributes. And this compacted in one Body by the ligaments of Religion and Laws, hath been the object of admiration to the whole World.

Amidst the distraction of Forreign Nations, we only have sate under the shadow of our Vines, and drank the Wines of our own Vintage.

But your crafty adversaries, perceiving that the fervent profession of our own Religion, and the firm observation of our Laws, have been the Pillars of our prosperity, by subtle insinuation, pretending a politick necessity to admit of a Moderation in our Religion, to comply with Forreign Princes, and suggesting it a Principle in the Rules of Sovereignty, to require and take, not ask and have, that it must *postulare* by power, not *petere* by Laws, and keep these miseries of War and Calamity, between Nation, and Nation, and put us in the posture of gaze to the whole World.

But when we behold your Sacred Majesty descended from the Royal Loyns of that glorious King, which by his Wisdom and Policy, first ingrafted the White-Rose and the Red, upon the same stock, and sheathed the Sword that had pierced the Bowels of so much Nobility, glutted with the Blood of People, and then laid the first hopes of the happy Union, between the Nations.

When our thoughts refresh themselves with that happy memory of that Religious King, your Gracious Father, on whose Sacred Temples both Diadems were placed, wreathed about with this Motto, *faciam eos in gentem unam*, we cannot but believe that God and Nature (by a lineal Succession from those Fathers of Peace) hath ordained you that *Lapis Angularis*, upon which the whole Frame settles, and put into the hands of your Sacred Majesty, the possibility and power to firm and stablish this happy Union between your Kingdoms, and so raise your memory a Statue of Glory and Wisdom, from Generation to Generation.

In all this length of time, the assurance of this Union and Peace hath been the chief object of our desires ; Our Purfes have been as open as our Hearts, both contributing to this great Work manifested by so many Subsidies already presented, sufficient in our first hopes for the full perfection.

But finding that fail, have again adventured upon your Peoples Property, and in an old and absolute way, new burnisht by the hand of instant necessity, expressed to the World, the Hearts of a Loyal People ; and howsoever gilded with a new name of Tranquility and Peace to your Kingdoms, that with more ease the People may digest the bitterness of this Pill ; yet still our Hearts had the same aim and object.

A Gift suitable to the necessity of so vast Expences that time cannot parallel it by any example.

And by which, if your Sacred Majesty vouchsafe your Royal assent, which we Humbly pray, we shall not doubt you may soon accomplish those happy effects, that may present your Wisdom, the object of wonder, and your Policy to be admired amongst the Nations.

After

After which his Majesty commanded the Clerk of the Parliament to pronounce the Royal Assent, which he did in these words, viz.

Le Roy Remerciant ses bons Subjects accepte leur Benevolence & ainsi le veut :

For the other two Bills, his Majesty said, *In regard he had not considered of them, being Bills of great Consequence, he would inform himself concerning the particulars, and return an answer within few days.*

After which the Commons with their Speaker returned to their House highly discontented, that his Majesty had not passed the other two Bills, for they presently after in some disorder adjourned themselves till Monday.

This day also Commissary Willmot Petitioned the House, that he might have liberty upon Bail to go into the Country for the Recovery of his Health, which was very much impaired by reason of his Imprisonment, but the House being already in a great Ferment, it was in an ill minute for him, for whatever they might have done in a better humor, his Petition was now utterly rejected.

The House of Commons met this Morning, but being highly discontented at the King's delaying to pass the two Bills for abolishing the Court of *Star-Chamber* and the *High-Commission* Court, they did not fall upon any business; but within an hour the Gentleman-Usher of the Black-Rod came to the House, to acquaint them, that the King was come to the House of Lords, and expected their attendance. Upon their coming up his Majesty spake as followeth.

My Lords and Gentlemen,

I Come to do the Office which I did on Saturday last, to give determination to these Two Bills; but before I do it I must tell you, that I cannot but be very sensible of those reports of discontent that I hear some have taken for not giving my consent on Saturday. Methinks it seems strange that any one should think I could pass two Bills of that Importance as these were, without taking some fit time to consider of them, for it is no less than to alter, in a great measure, those Fundamental Laws, Ecclesiastical and Civil, which many of my Predecessors have established, &c.

If you consider what I have done this Parliament, discontent will not sit in your hearts, for I hope you remember that I have granted, That the Judges hereafter shall hold their places, *quam diu benè se gesserint*, I have bounded the Forrest, not according to My right, but according to late Customs.

I have established the Property of the Subjects, as witness the free-giving, not taking away the Ship-mony.

I have established by Act in Parliament the Property of the Subject in Tonnage and Poundage, which never was done in any My Predecessors time; I have granted a Law for a Triennial Parliament, and given way to an Act for the securing of moneys advanced for the disbanding of the Armies; I have given free course of Justice against Delinquents; I have put the Law in execution against Papists.

Nay, I have given way to every thing that you have asked of me, and therefore methinks you should not wonder, if in some things I begin to refuse. But I hope, it shall not hinder your progress in your great Affairs, and

July,
1641.

Commissary
Willmot's Peti-
tion rejected.

Monday,
July 5.

The King's
Speech at Pas-
sing the Bills
against the
Star-Chamber
and High-
Commission
Court, July 5.
1641.

July,
1641.

and I will not stick upon trivial matters, to give you content; I hope you are sensible of these beneficial favours bestowed on you at this time.

To conclude, You know by your consent, there is a prefixed time set for my going into Scotland, and there is an absolute necessity for it, I do not know but that things may so fall out, that it may be shortened; therefore I hope you will hasten the dispatching of those great businesses that now are necessary to be done, and leave trivial and superficial matters to another meeting.

For my part I shall omit nothing that may give you just contentment, and study nothing more then your happiness, and therefore I hope you shall see a very good Testimony of it by passing these two Bills.

Le Roy le veult.

This being done, His Majesty said as followeth:

I have one word more to speak unto you, and take now an occasion to present unto both Houses, that thereby I hope all the World shall see, that there is a good understanding between me and my people.

It is concerning my Nephew the Prince Elector Palatine, who having desired Me and the King of Denmark to give way to a writing concerning the Dyet at Ratisbone with the Emperor, I could not but send my Ambassador to Assist him, though I am afraid I shall not have so good an answer as I expect, which my Nephew fore-seeing, hath desired me, for the better countenancing of the same, to make a Manifesto in my Name, which is a thing of great Consequence; And if I should do it alone, without the advice of my Parliament, it would rather be a scorn then otherwise: Therefore I do propose it unto you, that if you will advise me to it, I do think it were very fit to be published in my name.

Mr. Treasurer after the House was returned acquaints them that Rossetti the Pope's Nuncio had left England.

Rossetti the
Popes Nuncio
leaves England.

Shepherd one
of the Rioters
at St. Saviours
Southwark re-
leased.

WHereas William Shepherd now a Prisoner in the Fleet by the Sentence of this House, for pressing in with others into the Church of St. Saviour's, Southwark, and violently breaking and pulling down of the Rails about the Communion Table; which Sentence be the said William Shepherd acknowledging to be just and honourable, It is Ordered, That the said William Shepherd shall be released from his said Imprisonment for this Offence, and set at Liberty.

In compliance with his Majesties Speech, the House of Commons took the Prince Elector's condition into consideration; the Manifesto was read, and a Debate had upon it, at which Sir Benjamin Rudyard made this Speech.

Mr. Speaker,

" **T**His great Affair of the Palatinate concerneth this Kingdom in Nature, in Honour, in Reason of State, in Religion.

" We all know how near in Blood the Prince Elector is to his Majesty.

" Ity.

" Many of us here know, what solemn Protestations have been made in this place for the Recovery of the Palatinate, by which we are bound

Sir Benjamin
Rudyard's
Speech con-
cerning the
Palatinate.

bound in Honour to pursue it with our best Assistance. God hath so framed the powers of Man, and so ordered the course of things in this World, as that in all Actions, Right, Reason and true Religion may well hold and go together.

"If we consider Religion according to Reason of State, we shall find that Christendom divides it self into two sides; with the Pope, against the Pope: His Majesty is the greatest King of the Religion, and therefore fittest to be the Head of that Party; which will add a greater greatness to him then can be gotten any other way.

"The means of it are, first, to preserve Religion sound and entire within his own Kingdom at home; next to unite the Homogeneal parts of it, pieces of the same, together by Alliances, by Confederations abroad.

"The good effects of this *German Match* was lost by the ill Counsels of those times: It will be an honour to us to repair it by better.

"The restoring of the Prince Elector to his Territory and Dignity will restore Religion there, will strengthen it, may increase it further in *Germany*; which consideration is of a great and vast consequence, proportionable to the greatness and vastness of that Country; it will likewise refresh and comfort the sorrowful heart of that most Noble, Virtuous and Magnanimously suffering Queen of *Bohemia*, his Majesty's Sister, his Highness's Mother, who is ever to be highly and tenderly regarded by this Kingdom.

"This is a fit Conjunction of time to begin it in, whilst the King of *Spain* hath so much to do of his own, as he is not able to afford his usual aids to the Emperor, which probably may induce the Emperor to abate of his former Resolutions.

"That which is now propounded is only a Manifest to express and declare our zeal and heartiness to the Cause, and thereby to give it Countenance and Reputation in the present Dyet at *Ratisbone*. Reputation in matters of State doth many times prevail as much as Substance.

"His Majesty's Father of blessed memory, and himself have for many years mediated and treated with the Successive Emperors, by all fair and amicable ways; they have been deluded, they have been neglected: It becomes us, Mr. Speaker, to be Englishly sensible of the injustice of the Indignity.

"Wherefore my humble Motion is, That the House will be pleased presently to name a select Committee, to compose a Declaration suitable to the importance of the Cause.

But the further consideration of this matter was deferred till *Wednesday* at Nine of the Clock.

A Message was also delivered from the King by Sir *Benjamin Rudyard* concerning the Queen-Mother, who was very desirous to depart the Kingdom, only Money was wanting to defray her charges, which would amount to no less than 10000 *l*. And it seems the Commons were no less desirous to have her gone, for they presently consented that there should be so much paid out of the Poll-mony for that Service.

Sir *Thomas Widdrington* brought in 25 Articles against *Matthew Wren* Lord Bishop of *Ely*, which being read and singly voted were ordered to be Engrossed; and then the House came to this Vote upon it.

July,
1641.

Message about
the Queen-
Mother.

Artic. brought
in by Sir *Tho.*
Widdrington
against the Bi-
shop of *Ely*,
Vide the Arti-
cles *infra* July
20th.

July,
1641.

Resolved, &c. That Matthew Wren Bishop of Ely is, in the opinion of this House, unfit and unworthy to hold or continue any Spiritual Promotion or Office in the Church or Common-wealth: and that the Lords be desired to joyn with this House to move his Majesty to remove the said Bishop from his Person and Service.

And upon this Sir William Parkins took an occasion to speak as followeth, for the work of Reformation.

Master Speaker,

Sir William
Parkins's
Speech, July 5.
1641.

I Stand not up in my own particular behalf, but in the Universal and General name of the whole Kingdom: Alas, Master Speaker, they depend all upon our exemplary Justice, which if we do fully execute, will not only give great and plenary satisfaction to our Nation, but will likewise cause the Land to smile hereafter with the blessed Beams of prosperous Felicity: But if the least Errour and smallest Deliberation be overseen by us (Oh ! It strikes my trembling mind with horror to think on it) how will all things precipitate themselves into Ruine most Irrevocable; but I speak not this as if any here would omit or extenuate the Supremacy of Justice in the least thought: To admonish you of that point, were to bid the Moon keep her Monthly Course, the Spheres to reduce themselves in their Circumference, or the Sun to shine upon the Earth: But I speak this only to add a Spur unto you, lest we should at anytime languish in our Heaven-proceeding Journey. The Cries of the People have come up to me, the Voice of the whole Nation tingles in my Ears; and methinks I hear each Subject wish that we would briefly establish the Church-Government with all Expedition. Let us first begin to confirm our Religion, and God will bless our other Proceedings the better: That was always my Opinion, and I am sure the expectation of the whole Kingdom: How long have we sate here, and how little have we effected? How much time have we consumed, and what little have we performed herein? How long have we laboured in this our daily Travel, and as yet have brought forth but an Embryo, in what we did intend? 'Tis true, I confess, we have tormented our selves with daily troubles and vexations, and been very solicitous for the welfare of the Common-wealth; but what have we performed, what have we perfected? I will once more relate, what my former Opinion was; Let us (I say) begin in the real Establishment of our Religion, and (as I said) all our other determinations will succeed with a better Omen; for indeed most of our Delinquents are linkt to this Chain, they depend most on this point; therefore we should do well to enter speedily upon the Work.

Master Speaker, Excuse my Zeal in this Case; for my mouth cannot Imprison what my mind intends to let out, neither can my tongue conceal that which my heart desires to promulge. Behold, the Arch-Bishop (that great Incendiary of this Kingdom) lyes now like a Fire-brand raked up in the Embers; but if he ever chance to blaze again, I am afraid what heretofore he had but in a Spark, he will fully burn down to the ground in a full Flame.

Wherefore, Master Speaker, Let us begin, for the Kingdom is pregnant with expectation in this point. I confess there are many more Delinquents, for the Judges and other Knights walk in Quirpo; but they are but Thunderbolts forged in Canterbury's fire: Look upon them all but as polluted Rivers flowing from that corrupt Fountain. Well, is it so then, that all depend

depend on Religion? Why are we then so backward in not Reforming the Church? Why do we stick in this point, and not rather proceed in it with all expedition? For indeed, according to the Laws of this Kingdom, as it hath the Dignity of Preeminence, so let us give it the Priority in our Determinations.

July,
1641.

Master Speaker, Think with your self, I pray, in what Faction the Church is now, in what Schism, in what Confusion of distracted Sectaries it is promiscuously shaken: Behold the Papists will have their way, the Brownists will have their way, the Anabaptists their way, the Puritan (as some call them) their way, the Jesuitical Priests their way; and in these various ways they make such a Labyrinth of Religion, that few or none scarce can find out the right Way. It behoves us therefore, and is expedient that we should add a Period to these Irregular ways, that the Vulgar may no longer wander ill in these distracted parts.

Master Speaker, I have now unloaded my mind of her weary burthen, and I beseech you digest my words with your serious considerations in this respect of establishing the Church-Government, in true, sincere, perfect, and unpoluted Religion; which if we do perform, and fully effect, we shall do great Honour to God, get great Credit to our Selves, and give great Satisfaction to the whole Kingdom.

This is my Opinion, this is my Expectation, this is my Prayer; and lastly, this is my Hope.

A Message was sent this Morning from the House of Commons by the Lord Viscount Wainman, who said he was Commanded to deliver to their Lordships Three Bills which had passed the House of Commons.

Message about
a Bill for Clerk
of the Market,
&c.

1. Entituled, *An Act for the better ordering the Office of Clerk of the Market, allowed and confirmed by this Statute, and for the Reformation of the false Weights and Measures.* 2. *An Act against divers Encroachments and Oppressions in the Stannery Courts.* 3. *An Act for the Confirmation of his Majesty's Letters Patents to the Town of Plymouth, and for dividing the Parish, and building of a new Church.*

And he was further to desire a dispatch of some Bills brought up formerly, as the Bill against Pluralities: and that their Lordships would appoint some time when their Lordships shall be at leisure, that the Commons may come up with the Impeachment against the Judges.

The Answer which was returned to the Message was, *That their Lordships will give a dispatch to these Bills now brought up with all convenient speed, and will in a short time give a dispatch to the Bill against Pluralities.* And further it was told them, *That their Lordships have appointed great business this Morning concerning the safety of the Kingdom, but will Sit this Afternoon at Three of the Clock, at which time they will give the House of Commons a meeting concerning the Impeachments of the Judges.*

The Lords
Answer.

The House of Commons this Day fell upon the matter of their Priviledges in the Case of Mr. Hollis and others, 3 Car. and upon the Debate of the House, came to these following Votes.

Tuesday,
July 6.

Resolved, &c. That the Warrants of the Lords and others of the Privy Council, compelling Mr. Hollis and others to appear before them during that Parliament, is a Breach of Priviledg.

Votes about
Priviledge in
the Case of
Hollis, &c. 3
Car.

Resolved, &c. That the Committing of Mr. Hollis and others, by the Lords and others of the Privy Council 3 Car. during that Parliament, is a Breach of Priviledg.

July,
1641.

Resolved, &c. That the Searching and Sealing of the Chambers, Studies and Papers of Mr. Hollis, Mr. Selden, and Sir John Eliot, being Members of Parliament; and issuing out Warrants for that purpose, is a breach of Priviledg.

Resolved, &c. That the Exhibiting an Information in the Court of Star-Chamber against Mr. Hollis and others for Matters done by them in Parliament, being Members of Parliament, is a breach of Priviledg.

Resolved, &c. That Sir Robert Heath, Sir Humphrey Davenport, Sir Heneage Finch, Mr. Hudson, and Sir Robert Berkley, that subscribed the said Informations, are guilty of the breach of Priviledg.

Resolved, &c. That there was a Delay of Justice towards Mr. Hollis and others upon the Habeas Corpora, in that they were not Bayled in Easter or Trinity Term, 5 Car.

Resolved, &c. That Sir Nicholas Hide then Lord Chief Justice of the Court of Kings-Bench, is guilty of this Delay.

Resolved, &c. That Sir William Jones, one of the Justices of the Kings-Bench, is guilty of this Delay.

Resolved, &c. That Sir James Whitlock Knight, one of the Justices of the Kings-Bench, is guilty of this Delay.

A Conference was had with the Lords in the *Painted Chamber*, at the transmitting of the Impeachments of the Judges; at which time Mr. *William Perpoint* upon the reading the Articles against Sir *Robert Berkley* Knight, one of the Justices of the Court of *Kings-Bench*, made this Speech in aggravation of their Crimes.

My Lords,

Mr. William
Perpoint's
Speech at the
Impeachment
of Sir Robert
Berkley, July 6.
1641.

" I Am Commanded to present to your Lordships these Articles, with
" which the Knights, Citizens, and Burgeses of the Commons House
" of Parliament, in their own Name, and in the Name of all the Com-
" mons of *England*, Impeach Sir *Robert Berkley*, Knight, one of the
" Justices of his Majesties Court of *Kings-Bench*, in maintenance of their
" Accusation of High Treason, and other great Misdemeanours. The
" Articles they desire may be read.

The Articles were read by Mr. Newport.

" The High Treason is in the first Article, in his Endeavours to Sub-
" vert the Fundamental Laws of this Realm, and to introduce an Arbi-
" trary and Tyrannical Government, which hath been lately adjudged
" Treason in the Cause of the Earl of *Strafford*.

" The other Articles prove the first. By his Opinions, Certificates,
" Judgments, by his denials of the benefits of our Laws, which have been
" read to your Lordships. No Fundamental Law to the Subject is left;
" our Goods, our Lands, our Bodies, the peace of a good Conscience, are
" by him given up to Arbitrary Tyrannical Government.

" Nothing hath been omitted to make a Judge know the Lawes, to
" make him Just, or fear him from being Evil: We have Inns of Court
" peculiar to that Study, Judges from thence onely chosen; seldom any
" but what have been Twenty Years there: Honours and Revenues are
" given

July,
1641.

“ given to Judges, Encouragements to do well ; this Judge had these :
 “ Judges are sworn according to Law to serve the King, and his People ;
 “ according to Law to Counsel the King ; and for not so doing, to be
 “ at his Will for Body, Lands and Goods ; this Judge took that Oath :
 “ The Lawes the Judges study, impose the greatest punishments upon
 “ unjust Judges, shew that these punishments have been inflicted ; more
 “ could not be done to perswade or fear a Judge.

“ His Offences, shew in him great Ambition, yet he was most timo-
 “ rous of displeasing the Great in Power : He did not only forbear doing
 “ what he was sworn to do, but was most active against our Laws, and
 “ in opposing and punishing any that did maintain them.

“ To have only received Bribes (though they blind the Eyes, and
 “ though the Desire to get Money encreaseth with Age) that hainous
 “ Crime in a Judge had been, in comparison with his Offences, a tole-
 “ rable Vice ; for from such a Judge Justice is also to be had for money.
 “ Ambition is violent, and ruines, whilst Covetousness is making a Bar-
 “ gain.

“ The words of his Opinion and Judgment are for the King's Power.
 “ It is pleasing to the Nature of Man that others should obey his Will ;
 “ and well framed dispositions of Princes may easily be perswaded their
 “ Power is unlimited, when they are also put in mind, that therefore
 “ they have more cause to do well, and for doing well are more renown-
 “ ed ; for the most oppressive designs (which we have suffered under)
 “ the pretences of his Majesty have ever bin the good of his Subjects ;
 “ His is the sin, that is to judge by the Laws, and knows the Laws are
 “ to the contrary, yet puts and confirms such thoughts in his Prince.

“ He that incites another to Arbitrary Government, when his self-
 “ ends are thereby compassed, hates him for taking that Power he per-
 “ swaded him unto.

“ The Writs, those Monsters of Necessity, to provide Ships to prevent
 “ Imminent Danger, that could not stay 40 dayes for the Calling of a
 “ Parliament, were therefore to go out in *September* to have Ships ready
 “ in *March*. This hath bin adjudged by your Lordships to be destru-
 “ ctive to the Fundamental Laws of this Realm, and to the Subjects right
 “ of Property and Liberty, &c. that I shall say but this concerning them,
 “ That this Judge published them to be *inseparable Flowers of the Crown*.
 “ And that we have lived to see for five years together imminent Dan-
 “ ger, and thus to be prevented.

“ This Judge did advise to such a Government as future Kings here
 “ might exercise the highest Tyranny, and the Subjects want the bene-
 “ fit of restraints known to the most Slavish Eastern Nations, where if
 “ their Prince do unjustly, he hath hatred for it, and the Dangers that
 “ follow that. This Judge will have that hatred to go to our good
 “ Laws. No such Bondage as when Laws of Freedom are mis-inter-
 “ preted by Judges to make men Slaves.

“ What can be considered of in a Judge of Law to give his Opinion
 “ and Advice to his Prince how the Laws, the mutual Covenants of
 “ Kings and Subjects, are to be broken, but that his intentions are to have
 “ his Prince do ill, by making his evil Servants to study, and to be pleased
 “ with their wicked designs ; because they see means to put them in exe-
 “ cution, by making them to perswade their Prince, because in immi-
 “ nent Danger his Subjects Goods are at his Will, that there is such
 “ danger when there is not, and they only have some by-end of their
 “ own. “ A

July,

1641.

" A Judge to deliver his Opinion, That if the King should intend to give up his People to be destroyed by Forraign Forces, for the Safety of the people in that imminent Danger once by the Law might take away the King; there could be no greater Offence.

" This Judge will have our Law to be what to him seems reason; the reason limited to him to judge of, is what the Common Law saith is so, what a Statute hath so Enacted: For him to judge this or that is Law, else a mischief shall follow, is at best for him; but this because the Law in such a thing is imperfect, therefore he will make a Law to supply it; or because that the Law written in such particulars is against his reason, therefore his reasons to be Laws; then must follow, as often as a Judge's Reason changes, or Judges change, our Laws change also.

" Our Liberties are in our Laws, where a Subject may read or hear read, this is his, this he may do, and be safe, and that thus the Judge ought to give Judgment, he is free. The Excessive growth of Courts of Reason, Conscience, came from great and cunning persons; and though not the most sudden, yet the most dangerous, and sure ways to eat out our Laws, our Liberties.

" Unlimited power must be in some to make and repeal Laws to fit the dispositions of Times and Persons, Nature placeth this in common consent onely; and where all cannot conveniently meet, instructeth them to give their consents to some they know or believe so well of, as to be bound to what they agree on. His Majesty, your Lordships and the Commons are thus met in Parliament, and so long as we are often reduced to this main Foundation, our King and we shall prosper.

" This Judge will not allow us our Knowledg, or any Reason, he will have our Minds, our Souls Slaves. A Grand-Jury-man gave his Fellows true Information; they present an Innovation in the Church, are threatned and reviled for it; he that told this Truth is charged (I shall use this Judge's own words) *to sin in that, and that he made others forswear themselves*; This Judge sent him to the Common Goal, where he is laid in Irons; and all this, because he and they durst meddle with Church-Matters. He is forced to tear the Presentment in pieces in open Court; Our Laws provide for the peace of our Consciences, many Acts of Parliament are for it; and the Trust by those Acts set to Juries; this Judge well knew all this: Your Lordships have heard what he did to the Jury at *Hartford*; He would have us know no more Divinity then to obey what the Great of the Clergy directed, no more Law than what he said was so.

" Judges in former times, (but only such as were Examples of punishment, as of injustice in cases of great and publick concernment) forbore proceedings, till the next Parliament. This necessitated the Calling of Parliaments; This Judge had as many such Causes before him, as ever any had, yet he never desired the Resolution of Parliament in any one, for the ways he went; the necessity was never to have a Parliament, he would pull up that Root of our Safeties and Liberties, which whilst we enjoy, the Malice or Injustice of all other Courts and Persons can never ruine; and when near to Ruin (as most near of late) this only sure Remedy will help us; nothing can ruine a Parliament, but it Self.

" The Evils which we have suffered under, they were committed by
" the

June,

1641.

“ the Judges, or by them ought to have been and might have been prevented.

“ This Judge assisted in causing the Miseries we suffered in the *Star-Chamber*, and at the *Council-Table*, he denied the known Rights which he ought to have granted us to stop our Grievances in the Ecclesiastical Courts; he was the causer of our Sufferings in other Courts.

“ The best Lovers of their Laws and Liberties, the most Honest suffer most by an unjust Judge, they most oppose his Vices; dishonest persons find such a Judge to fit their purposes, the Judge finds them for his, the bond of iniquity confederates them.

“ He that will do no wrong, will suffer none which he can help: the man that knows himself born free, will do his utmost to live so, and to leave Freedom to his Posterity, were he in Slavery, when by outward gesture thought to be most delighted; were his mind then known, there would be found vexation, and his busie thoughts employed to redeem himself and his Posterity from Thralldom. But to say, *Could this Judge intend to make himself and his own Posterity Slaves? What he did, was through error of Judgment only:* No, my Lords, what his Aymes and Endeavours were, is apparent. To consider Man in the general, we shall find in every Age he will be a Slave to some few, that many may be Slaves to him, he looks to himself only; this he would do or forbear doing to be Great, to be Rich; had he Children or Kindred, or had none. This highly unjust Judge by continuing sins, maintained his Actions to preserve himself; he knows to be found guilty in one of his offences, the penalty of the Law for it, therefore covers the offences committed with inventing and acting other.

“ For a Judge to be Unjust, more hurts the Publique than any other, he is not suspected. What a Judge doth, is looked on as a thing that ought to be done. The most pernicious Great Man, that by cunning hath got to himself the Heart and Tongue of his Prince, his ill acts have dyed with him, if not taken up by others, and then they walk in darkness. No man will justifie what he doth, by saying *Such a Favorite did it*, but the Unjust Judgments of this Judge were given in the Noon-day, were done in the face of the whole Kingdom in the hearing of such as might carry the News to all Parts of the Realm, and was therefore done. His Unjust Judgments were our Records. We have seen Wicked Great Men most Craftily Politique, they hated our Laws, yet not meeting with Active Judges moulded to their purposes, they and their acts have dyed, the Realm flourished; but of late others less Politick meeting with most Unjust Judges, every way as ill as they could wish them to be, then did the Kingdom faint, under the Load of its Misery did long struggle; now it's rising I assure my self, your Lordships will assist to take off the Burden.

“ If the Designs of some would not have such a man to be at liberty, a Warrant from some Lords of the Council would soon have laid him in Prison, and given no cause; had he moved this Judge to be Discharged or Bailed, he could have obtained neither, if their wayes would not have endured that man to live, a Judge reviling the Prisoner, and his Council that moved for his Discharge or Bail, joyned with the hate of some Great Man, might soon have moved a Gaoler for unwholsome Rooms and Lodging, and ill Dyet for his Prisoner, and they may soon take Life away.

“ Offenders

July,

1641.

“ Offenders in Prisons are looked after to be safe only, such are brought in by Power against Law, are abused.

“ Had a great Man desired the Estates of others, the breach of a Proclamation might readily have been charged against them in the *Star-Chamber*: but they, it may be could have answered and cleared themselves, and proved their Answers by Testimonies, had they been referred to this Judge, he would have expunged the one, suppressed the other. Then followed Fines to the value of their Estates, or more, then Imprisonments of course till they paid such Fines; your Lordships have heard what this Judge did to the Sope-boylers.

“ The Country-man followed the Plough, and his thinking he was assured of his Right of Property and Liberty, gave him ability to do it. He believed his Neighbour, his Landlord, his King, could not take his Goods from him without his consent. He knew the usual payments by Law, and in Extraordinary Causes thought to have that Care to choose such for his Knights of his Shire, or for his Burgesses, as might be mindful of the cause of payment, and of his Estate.

“ This man hath heard the Opinions and Judgment of this Judge, hath seen his Goods taken from him, without his, or his Knights of the Shire, or Burgesses consent or advise. These have made him, his Wife and Children to joyn in tears to wish they had never been born; they have made them think on many wayes, to keep safe that Estate which was yet left them, have made them desire to sell all their Goods, and hide the Money; but then he remembers this Judge, how that he shall be carried to Prison, and remain there, if he pay not what please others to assess him. Then they think idle persons (the drones and moths of the Common-wealth) to be a wise people, who to be unworthy to live, they formerly conceited. They expect, and can think of nothing, but to be Beggars.

“ Where publick and enormous Offences have been committed, eminent and notorious punishments must be; such will make your Lordships Proceedings highly esteemed, else there will be so many offenders, as none without danger can be punished.

“ This Judge, Subverting our Laws, took away the Hearts of many; he subscribed for the Kings Power, but so as he put him on taking his Subjects Goods; and of all other, such ways be most dangerous: For we know, his Majesty is not the last that suffers, and is not the King worth many Thousands?

“ The place of this Judge was to have given and preserved to the King the Hearts of his Subjects, the due execution of the Laws had done this; and when such notice is taken of a Prince, none will conspire against him who cannot find to themselves Safety before or after any fact committed. Forraign Enemies will not Invade his Kingdoms.

“ Thus hath his Majesty now got our Hearts, and will for ever have them. This Judge is to answer for what his Majesty, and for what we have suffered.

“ I am Commanded by the House of Commons to desire of your Lordships, *That the Proceedings against Sir Robert Berkley, Knight, one of the Justices of his Majesties Court of Kings-Bench, may be in as speedy a way of Trial, as the Course of Parliament will allow.*

The Articles were as follow.

The

July,

1641.

The Atticles of Impeachment of Sir Robert Berkley Knight, one of the Justices of the Court of the Kings-Bench; by the Commons in this present Parliament Assembled, in their Own Name, and in the Name of all the Commons of England, in Maintenance of their Accusation, whereby he standeth Charged with High Treason, and other great Misdemeanors.

Articles of
Impeachment
against Sir Ro-
bert Berkley &c.
July 6. 1641.

INprimis, That the said Sir Robert Berkley, then being One of the Justices of the said Court of *Kings-Bench*, hath Trayterously, and Wickedly endeavoured to Subvert the Fundamental Laws and Established Government of the Realm of *England*; and instead thereof to introduce an Arbitrary and Tyrannical Government against Law, which he hath declared by Trayterous and Wicked Words, Opinions, Judgments, Practices and Actions appearing in the several Articles Ensuing.

2. Whereas by the Statute made in the 25th Year of the Reign of King *Henry the 8th*, Prices of Victuals are appointed to be rated in such manner as in the said Statute is declared: But it is manifest by the said Statute, Corn is none of the Victuals thereby intended; Nevertheless some ill-affected persons endeavouring to bring a Charge upon the Subjects contrary to Law, did surmise that the Prices of Corn might be rated and set according to the Direction of that Statute, and thereupon great Gain might be raised to his Majesty by Licences and Dispensations for selling Corn at other Prices: And a Command from his Majesty being procured to the Judges, and sent to them by *William Noy* Esquire, his Majesties then Attorney-General, to deliver their Opinions touching the Question, *Whether Corn was such Victuals as was intended to have the price rated within the said Statute?* In Answer to which Demand, the said Sir Robert Berkley then being one of his Majesties Justices of the Court of *Kings-Bench*, in furtherance of the said unlawful Charge, endeavoured to be imposed, as aforesaid, the Thirtieth day of *November*, in the Eighth Year of his now Majesties Reign, did deliver his Opinion, *That Corn was such Victual as was intended to have the Price rated within the said Statute:* Which said Opinion was contrary to Law, and to the plain Sense and Meaning of the said Statute, and contrary to his own Knowledg, and was given and delivered by him, with a purpose and intention, that the said unlawful charge might be imposed upon the Subject.

3. That an Information being preferred in the Court of Star-Chamber by the said *William Noy*, his Majesties then Attorney-General, against *John Overman*, and Fifteen other Soap-makers Defendants, charging them with several pretended Offences, contrary to divers Letters Patents, and Proclamations, touching the Making and Uttering Soap, and using the Trade of Soap-makers, and other Offences in the said Information mentioned; Whereunto the Defendants did plead, and Demur as to part, and answer to other part of the said Information: And the said Plea and Demurrer being over-ruled, for that the Particulars therein insisted upon, would appear more fully after answer and proof; therefore the Defendants were ordered to Answer without Prejudice, and were to be admitted to such Exceptions to the said information, and Advantages of the matter of the Plea and Demurrer upon the hearing, as shall be material; and accordingly the Defendants did put in their Answers, and set forth several Acts of Parliament, Letter-Patents, Charters, Customs, and Act of Common-Council of the City of *London*, and other Matters materially conducing to their Defence; and in Conclusion pleaded Not Guilty. The said Sir Robert Berkley then being one of the Justices of Court of *Kings-Bench*, upon the 30th day of *March*, in the Eighth Year of his Majesties now Reign, upon an Order of Reference to him and others, by the said Court of Star-Chamber, to consider of the Impertinency of the said Answers, did Certifie the said Court of Star-Chamber, *That the whole Answers, excepting the four words and ten last Lines, should be expunged;* leaving thereby no more substance of the said Answers, than the Plea of *Not Guilty*. And after upon a Reference to him and others, by Order of the said Court; of the impertinency of the Interrogatories, and Depositions of Witnesses taken on the Defendants part; in the same Case the said Sir Robert Berkley, upon the second

July,
1641.

day of *May*, in the Eighth Year of his now Majesties Reign, Certified that Nine and thirty of the said Interrogatories, and the Depositions upon them taken, should be suppressed which Answers (except as aforesaid) and Depositions, although the same did contain the said Defendants most material Defence. Yet were expunged and suppressed according to the said Certificates; both which said Certificates were contrary to Law and Justice, and contrary to his the said Sir *Robert Berkley*'s own knowledg, and contrary to the said former Order, whereby the Advantages were saved to the Defendants, as aforesaid: And by reason thereof, the said *John Overman*, and the said other fifteen Defendants, were sentenced in the said Court of Star-Chamber, to be committed Prisoners to the Fleet, and disabled from using their Trade of Soap-makers: And one of them fined in a Thousand Five hundred Pounds; Two of them in a Thousand Pound apiece; Four of them in a Thousand Mark apiece; which Fines were estreated into the Exchequer without any mitigation: And the said Defendants according to the said Sentence were imprisoned, and deprived of their Trade and Livelihood, tending to the utter ruine of the said Defendants, and to the overthrow of free Trade, and contrary to the Liberty of Subjects.

4. That he the said Sir *Robert Berkley*, then being one of the Justices of the Kings-Bench, and having taken an Oath for the due administration of Justice, according to the Laws and Statutes of this Realm, to His Majesties Liege People; on or about the last of *December* subscribed an Opinion in *hac verba*; [I am of Opinion, that as where the Benefit doth more particularly redound to the good of the Ports or Maritime Parts, (as in case of Piracy or Depredations upon the Seas) there the charge hath been, and may be lawfully imposed upon them, according to Presidents of former Times; so where the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger (of which His Majesty is the only Judge) there the charge of the Defence ought to be borne by all the Realm in general; This I hold agreeable both to Law and Reason.]

5. That he the said Sir *Robert Berkley*, then being one of the Justices of our Court of Kings-Bench, and duly sworn as aforesaid; In *February*, 1636. subscribed an extrajudicial Opinion, in Answer to Questions, in a Letter from His Majesty, in *hac verba*.

Charles R.

When the Good and Safety of the Kingdom in general is Concerned, and the whole Kingdom in Danger; Whether may not the King by Writ under the Great Seal of England, Command all the Subjects of this Kingdom, at their Charge to provide and furnish such Number of Ships, with Men, Victuals, and Munition; and for such time as he shall think fit, for the Defence and Safeguard of the Kingdom, from such Danger and Peril? And by Law compel the doing thereof in case of refusal, or refractoriness? And whether in such case is not the King the Sole Judge, both of the Danger, and when and how the same is to be prevented and avoided?

" May it please your Most Excellent Majesty, We have according to your Majesties Command, severally every Man by himself, and all of us together, taken into serious consideration, the Case and Question signed by your Majesty, and inclosed in your Royal Letter: And we are of Opinion, that when the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, your Majesty may by Writ under the Great Seal of England, command all your Subjects of this your Kingdom, at their charge to provide and furnish such number of Ships, with Men, Victual, and Munition, and for such time as your Majesty shall think fit, for the Defence and Safeguard of the Kingdom from such Danger and Peril:
" And

“ And that by Law your Majesty may compel the doing thereof, in case of Refusal, or
 “ refractoriness: And we are also of Opinion, that in such Case, your Majesty is the
 “ sole Judge, both of the danger, and when and how the same is to be prevented and
 “ avoyded. John Brampton, John Finch, Humphrey Davenport, John Denham,
 “ Richard Hutton, William Joanes, George Crook, Thomas Trevor, George
 “ Vernon, Robert Barkley, Francis Crawley, Richard Weston.

July,
 1641.

6. That he the said Sir Robert Berkley, then being one of the Justices of the Court of Kings-Bench, and duly sworn as aforesaid, did on the deliver his Opinion in the Exchequer Chamber against John Hampden Esquire, in the Case of Ship-Money, that he the said John Hampden upon the matter and substance of the Case, was chargeable with the Money then in Question: A Copy of which proceeding and judgment, the Commons of this present Parliament have delivered to your Lordships.

7. That he the said Sir Robert Berkley, then being one of the Justices of the Court of Kings-Bench, and one of the Justices of Assize for the County of York, did at the Assizes held at York in Lent, 1636. deliver his charge to the Grand-Jury, that it was a lawful and inseparable Flower of the Crown, for the King to command, not only the Maritime Counties, but also those that were In-land, to find Ships for the defence of the Kingdom. And then likewise falsely, and maliciously affirmed, that it was not his single judgment, but the judgment of all his Brethren, witnessed by their subscriptions: And then also said, that there was a rumour that some of his Brethren that had subscribed, were of a contrary Judgment; but it was a base and unworthy thing, for any to give his Hand contrary to his Heart; and then wished for his own part, that his Hand might rot from his Arm, that was guilty of any such Crime; when as he knew that Master Justice Hutton, and Master Justice Crook, who had subscribed, were of a contrary Opinion, and was present when they were perswaded to subscribe; and did subscribe for Conformity, only because the major Number of the Judges had subscribed. And he the said Sir Robert Berkley then also said, that in some Cases the Judges were above an Act of Parliament; which said false, malicious Words were uttered, as aforesaid, with intent and purpose to countenance and maintain the said unjust Opinions, and to terrifie His Majesties Subjects that should refuse to pay Ship-Money, or seek any remedy by Law, against the said unjust and illegal Taxation.

8. That whereas Richard Chambers Merchant, having commenced a Suite for Trespafs, and false imprisonment against Sir Edward Bromfield Knight, for imprisoning him the said Chambers, for refusing to pay Ship-Money, in the time that the said Sir Edward Bromfield was Lord Mayor of the City of London; in which Suite the said Sir Edward Bromfield did make a special Justification: The said Sir Robert Berkley then being one of the Justices of the Court of Kings-Bench, in Trinity Term last, then sitting on the Bench in the said Court, upon debate of the said Case, between the said Chambers and Sir Edward Bromfield, said openly in the Court, that there was a Rule of Law, and a Rule of Government: And that many things, which might not be done by the Rule of Law, might be done by the Rule of Government: And would not suffer the Point of Legality of Ship-Money to be argued by Chambers his Counsel, all which Opinions, Declarations, Words and Speeches, contained in the Third, Fourth, Fifth, Sixth, Seventh, and Eighth Articles, are destructive to the Fundamental Laws of this Realm, the Subjects right of Property, and contrary to former Resolutions in Parliament, and to the Petition of Right: which Resolution in Parliament, and Petition of Right were well known to him, and Resolved, and Enacted, when he was the King's Serjeant at Law, and attendant in the Lords House of Parliament.

9. That he the said Sir Robert Berkley, then being one of the Judges of the Court of King's-Bench, and being in Commission of the Peace, and duly sworn to execute the Office of a Justice of Peace in the County of Hertford, on or about the seventh of January, 1638. at which time the General Sessions of the

July,
1641.

Peace for the said County were there holden : The said Sir *Robert Berkley*, then and there sitting on the Bench, did revile and threaten the Grand-Jury returned to serve at the said Sessions, for presenting the removal of the Communion Table in *All-Saints Church* in *Hertford* aforesaid, out of the Place where it anciently and usually stood, and setting it Alter-ways, against the Laws of this Realm, in that Case made and provided, as an Innovation in Matters concerning the Church; the said Grand-Jury having delivered to them in Charge at the said Sessions, by Master Serjeant *Atkins* a Justice of the Peace of the said County of *Hertford*, that by the Oath they had taken, they were bound to present all Innovations, concerning Church Matters. And he the said Sir *Robert Berkley* compelled the Fore-Man of the Jury, to tell him who gave him any such Information, and thereby knowing it to be one *Henry Brown*, one of the said Grand-Jury, he asked the said *Brown* how he durst meddle with Church Matters; who affirming, that in the said Charge, from Master Serjeant *Atkins*, the said Jury was charged to do; he the said Sir *Robert Berkley* told the said *Brown*, he should therefore find Sureties for his good Behaviour: and that he the said Sir *Robert Berkley* would set a great Fine on his Head, to make him an Example to others; and thereupon the said *Brown* offered sufficient Bail; but he the said Sir *Robert Berkley*, being incensed against him refused the said Bail, and committed the said *Brown* to Prison, where he lay in Irons till the next Morning, and used to the said *Brown*, and the rest of the Jurors, many other reviling and terrifying Speeches; And said he knew no Law for the said Presentment; and told the said *Brown*, that he had sinned in the said Presentment: And he compelled the said Grand-Jurors to say, they were sorry for that they had done in that Presentment; and did bid them to trample the said Presentment under their Feet; and caused *Brown* to tear the said Presentment in his sight. And he the said Sir *Robert Berkley*, when as *John Houland*, and *Ralph Pemberton*, late Mayor of Saint *Albans*, came to desire his Opinion on several Indictments against *John Brown* Parson of Saint *Albans*, and *Anthony Smith* Vicar of Saint *Peters* in Saint *Albans*, at the Quarter Sessions held at the said Town of Saint *Albans*, on the four and twentieth of June, 1639. for the removal of the Communion Table out of the usual Place, and not Administring the Sacrament according to Law in that Case provided: He the said Sir *Robert Berkley*, then told them, that such an Indictment was before him at *Hertford*, and that he quashed the same, and imprisoned the Promoters; by which threatening and reviling Speeches, unjust Actions and Declarations, he so terrified the Jurors in those Parts, that they durst not present any Innovations in the Church Matters, to their great Grief and Trouble of their Consciences.

And whereas several Indictments, were preferred against *Matthew Brook* Parson of *Tarmouth*, by *John Ingram* and *John Carter*, for refusing several times to Administer the Sacrament of the Lords-Supper to them, without any lawful Cause, at the Assizes held at *Normich* in 1633. He the said Sir *Robert Berkley*, then being one of the Judges of the Assize, proceeded then to the Tryal, on the said Indictments; where the Matter in Issue being, that the said *Brook* refused to Administer the said Sacrament, because the said *Ingram* and *Carter* would not receive Tickets with their Sur-Names before their Christen-Names; which was a Course never used amongst them, but by the said *Brook*. He the said Sir *Robert Berkley* did then much discourage the said *Ingram's* Council, and over-rule the Cause for matter of Law, so as the Jury never went from the Bar, but there found for the said *Brook*. And the said Sir *Robert Berkley* bound the said *Ingram* to the good Behaviour, for the prosecuting the said Indictments, and ordered him to pay Costs to the said *Brook*, for wrongfully indicting him. And whereas the said *Carter*, not expecting the Tryal at the same Assizes, he preferred his Indictment, was then absent; whereupon the said Sir *Robert Berkley* did cause to be entred upon the said Indictment, a *vacat, quia non sufficiens in lege*, and ordered an Attachment against the said *Carter*, which said proceedings against the said *Ingram* and *Carter*, by the said Sir *Robert Berkley*, were contrary to Law and Justice, and to his own knowledge.

July,
1641.

10. That the said Sir Robert Berkley, being one of the Justices of the Court of Kings-Bench, and duly sworn as aforesaid, in Trinity Term 1637. deferred to discharge or bail *Alexander Jenings* Prisoner in the Fleet, brought by *Habeas Corpus* to the Bar of the said Court; the return of his Commitment being that he was committed by two several Warrants from the Lords of the Council, dated the fifth of *November*, 1636. The first being only read in Court expressing no cause, the other for not paying Messengers Fees, and until he should bring a Certificate that he had paid his Assessment for Ship-Money in the County of *Bucks*; but remitted him: And in *Michaelmas* Term after, the said *Jenings* being brought by another *Habeas Corpus* before him as aforesaid, and the same returned; yet he the said Sir Robert Berkley, refused to discharge or bail him, but remitted him. And in *Easter* Term, after several Rules were given for His Majesties Council, to shew Cause why the said *Jenings* should not be Bailed, a fourth Rule was made for the said *Jenings*, to let His Majesties Attorney General have notice thereof, and notice was given accordingly; and the said *Jenings* by another *Habeas Corpus*, brought to the Bar in Trinity Term after, and the same return, with this addition, of a new Commitment of the Fourth of *May*, suggesting he the said *Jenings* had used divers scandalous Words in derogation and disparagement of His Majesties Government: He the said *Jenings*, after several Rules in the end of the said Trinity Term, was again remitted to Prison. And he the said Sir Robert Berkley did on the fifth of *June* last, defer to grant His Majesties Writs of *Habeas Corpus*, for *William Pargiter* and *Samuel Danvers*, Esquires, Prisoners in the Gate-House, and in the Fleet: And afterwards having granted the said Writ of *Habeas Corpus*, the said *Pargiter* and *Danvers* were on the eighth of *June* last, brought to the Bar of the said Court, where the Returns of their Commitments were, several Warrants from the Lords of the Council, not expressing any Cause; yet he the said Sir Robert Berkley, then sitting in the said Court, deferred to Bail the said *Pargiter* and *Danvers*, and the eighteenth of *June* last, made a Rule for a new return to be received, which were returned the 25th of *June* last, in *hec verba*.

“Whereas His Majesty finding that his Subjects of Scotland, have in *Rebellious*
“and *Hostile* manner Assembled themselves together, and intend, not only to shake off
“their Obedience unto His Majesty, but also as *Enemies*, to invade and infest this His
“Kingdom of England, to the danger of his Royal Person, &c.

For prevention whereof, His Majesty hath, by the Advice of his Council-Board, given special Commandment to all the Lord-Licutenants of the Counties of this Realm, appointed for their Rendezvouz, in their several and respective Counties, there to be conducted and drawn together into a Body for this Service. And whereas His Majesty, according to the Laws and Statutes of this Realm, and the constant Custom of his Predecessors, Kings and Queens of this Realm, hath Power for the defence of this Kingdom, and resisting the force of the Enemies thereof, to grant forth Commissions under His Great Seal, to such fit Persons as he shall make choice of, to Array and Arm the Subjects of this Kingdom, and to compel those who are of able Body, and of able Estates, to arm themselves; and such as should not be of able Bodies, but of Ability in Estate, to Assess them according to their Estates, to contribute towards the Charge of arraying others being able of Body, and not able in Estate to arm themselves. And such Persons as should be contrariant to commit to Prison, there to remain, untill the King should take further Order therein.

And whereas the Earl of *Exeter*, by vertue of His Majesties Commission to him directed, for the Arraying and Arming of a certain number of Persons in the County of *Northampton*, hath assent *William Pargiter*, being a Man unfit of Body for that Service, but being of Estate and Ability to contribute amongst others, to pay the Sum of five Shillings towards the arraying and arming of others of able Bodies, and wanting Ability to Array and Arm themselves.

And whereas we have received Information from the said Earl, that the said *William Pargiter* hath not only in a wilful and disobedient Manner refused to pay the said Money assessed upon him, towards so important a Service, to the disturbance

July,
1641.

sturbance and hindrance of the necessary defence of this Kingdom; but also by his ill example hath mis-led many others; and, as we have just cause to believe, hath practiced to seduce others from that ready obedience which they owe, and would otherwise have yielded to His Majesties just command, for the publick defence of His person and Kingdom; which we purpose with all convenient speed to enquire further of and examin.

These are therefore to will and require you, to take into your Custody the Persons of the said *William Pargiter* and *Samuel Danvers*, and them safely to keep Prisoners, till further order from this Board, or until by due course of Law they shall be delivered. Yet he the said *Sir Robert Berkley*, being desired to Bail the said *Pargiter* and *Danvers*, remitted them, where they remained Prisoners till the Ninth of *November* last, or thereabouts; although the said *Jenings*, *Pargiter*, and *Danvers*, on all and every the said returns, were clearly Bailable by Law; and the Council of the said *Jenings*, *Pargiter*, and *Danvers*, offered in Court very sufficient Bail. And he the said *Sir Robert Berkley* being one of the Justices of the Court of the Kings Bench, denied to grant his Majesties Writs of *Habeas Corpus* to very many others his Majesties Subjects; and when he had granted the said Writs of *Habeas Corpus* to very many others his Majesties Subjects, and on the return no cause appeared, or such only as was clearly Bailable by Law; yet he remanded them, where they remained Prisoners very long: Which said deferring to grant the said Writs of *Habeas Corpus*, and refusals and delays to discharge Prisoners, or suffer them to be Bailed, contained in this Article, are destructive to the Fundamental Laws of this Realm, and contrary to former resolutions in Parliament, and to the Petition of Right: which said Resolutions and Petition of Right were well known to him the said *Sir Robert Berkley*, and were Resolved on and Enacted when he was the Kings Serjeant at Law, and attendant in the Lords House in Parliament.

11. That whereas there was a Cause depending in the Court-Christian at *Normich*, between *Samuel Booty* Clerk, and *Collard*, for two Shillings in the Pound, for Tithes for Rents and Houses in *Normich*, and the said *Collard* moved by his Council, in the Court of Kings Bench for a Prohibition to stay proceedings in the Court Christian at *Normich*, and delivered into the said Court of Kings Bench his suggestions, that the said Cause in the said Court Christian was only for Tithes for Rents of Houses in *Normich*, which was determinable by the Common Law only: yet he the said *Sir Robert Berkley*, being one of the Justices of the said Court of Kings Bench, and sitting in the said Court, deferred to grant a Prohibition to the said Court Christian in the said Cause, although the Council did move in the said Court many several times, and several Terms for a Prohibition. And he the said *Sir Robert Berkley* deferred to grant his Majesties Writ of Prohibition to several other Courts, on the motions of divers others of His Majesties Subjects, where the same by the Laws of this Realm ought to have been granted, contrary to the Laws of this Realm, and his own knowledge.

All which Words, Opinions, and Actions, were so spoken and done by him the said *Sir Robert Berkley* Traiterously and Wickedly to Alienate the Hearts of His Majesties Liege People from His Majesty, and to set a division betwixt them, and to subvert the Fundamental Laws and Established Government of His Majesties Realm of *England*: for which they do Impeach him the said *Sir Robert Berkley* one of the Justices of the Court of Kings Bench of High Treason against our Sovereign Lord the King His Crown and Dignity, and of the misdemeanors above mentioned.

And the said Commons by Protestation, saving to themselves only the Liberty of Exhibiting at any time hereafter any other Accusation or Impeachment against the said *Sir Robert Berkley*, and also of replying to the answer that he the said *Sir Robert Berkley* shall make to the said Articles, or any of them, or of offering Proof of the Premises, or any other Impeachments or Accusations that shall be Exhibited by them, as the case shall according to the course of Parliaments require, do pray that the said *Sir Robert Berkley*, one of the Justices of the Court of Kings Bench, may be put to answer to all and every the Premises; and that such Proceedings, Examinations, Tryals, Judgments, and Executions may be upon every of them had and used, as is agreeable to Law and Justice.

Upon

Upon the Articles of Impeachments of the Lord Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weston*, Mr. *Hide* by the Command of the Commons spake as follows.

July,
1641.

My Lords,

“ **T** Here cannot be a greater instance of a sick and languishing Commonwealth, than the business of this day. Good God! how have the guilty these late years been punished, when the Judges themselves have been such Delinquents! ’Tis no marvel that an Irregular, Extravagant, Arbitrary Power, like a Torrent, hath broke in upon us, when our Banks and our Bulworks, the Laws, were in the custody of such Persons. Men who had lost their Innocence could not preserve their Courage; nor could we look that they who had so visibly undone us themselves, should have the Vertue or Credit to Rescue us from the Oppression of other Men. ’Twas said by one, who always spoke excellently, *That the Twelve Judges were like the Twelve Lions under the Throne of Solomon*; under the Throne in Obedience, but yet *Lions*: Your Lordships shall this day hear of Six, who (be they what they will be else) were no *Lions*; who upon vulgar fears delivered up the precious Forts they were trusted with, almost without assault, and in a tame, easie Trance of flattery and servitude, lost and forfeited (shamefully forfeited) that Reputation, Awe and Reverence, which the Wisdom, Courage and Gravity of their Venerable Predecessors had contracted and fastned to the places they now hold; and even rendred that study and profession, which in all Ages hath been, and I hope now shall be of an honourable Estimation, so Contemptible and Vile, that had not this blessed day come, all Men would have had that quarrel to the Law it self, which *Marius* had to the Greek Tongue, who thought it a mockery to learn that Language, the Masters whereof lived in bondage under others. And I appeal to these unhappy Gentlemen themselves, with what a strange negligence, scorn and indignation the faces of all men, even of the meanest, have been directed towards them, since (to call it no worse) that fatal declension of their understandings in those Judgments, of which they stand here charged before your Lordships. But, my Lords, the work of this day is the greatest instance of a growing and thriving Commonwealth too; and is as the dawning of a fair and lasting day of happiness to this Kingdom: ’Tis in your Lordships power (and I am sure ’tis in your Lordships will) to restore the dejected broken people of this Island to their former joy and security, the Successors of these Men to their old Priviledge and Veneration, & *sepultas propè leges revocare*.

Mr. *Hide*'s Speech at the delivering of the Articles of Impeachment of the L. Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weston*, July 6. 1641.

“ My Lords, the iniquity of Judges is infectious, and their craftiest Combination to leave us as few innocent as may be: Your Lordships have heard of the justice of Two of the greatest Courts of *Westminster*, and that you may know how little advantage the other of his Majesties Revenue, the Court of Exchequer, hath of its fellows in the Administration of Right, I am commanded by the House of Commons to present to your Lordships Three several Charges against three Judges of that Court; my Lord Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weston*: Your Lordships will please to hear them read.

Here

July,
1641.

Here the several Articles were read.

“Your Lordships observe, that the great Resolution in Ship-mony
“was a Crime of so Prodigious a Nature, that it could not be easily
“swallowed and digested by the Consciences even of these Men; but
“as they who are to Wrestle or run a Race by degrees prepare them-
“selves by Diet, and lesser Essays for the main Exercise, so these Judges
“enter themselves, and harden their hearts by more particular Trespas-
“ses upon the Law: By Impositions and Taxes upon the Merchant in
“Trade; by Burdens and Pressures upon the Gentry in Knighthood,
“before they could Arrive at that Universal destruction of the Kingdom
“by Ship-mony, which promised Reward and Security for all their for-
“mer Services, by doing the work of a Parliament to His Majesty in Sup-
“plies, and seemed to delude justice, in leaving none to judge them, by
“making the whole Kingdom party to their oppression.

“My Lords, of this Crime these Three Judges seem to be at least
“equally guilty; for however one of them, my Lord Chief Baron, is not
“charged with that Judgment in the Exchequer-Chamber against Mr.
“*Hampden*, and how he fail'd in making his Conclusion from his own
“Premisses, he only can inform you. Your Lordships see how quickly
“he repented that that mischief was done without him there, by his
“overtaking his Brethren in his Circuit, and as he said of the vilest kind
“of flatterers, *Crudelissimo servitutis genere, quod intra se abominabantur,*
“*palam laudabant*: He made all possible haste to redeem himself from
“that imputation of Justice, and declared publicly in the face of the
“Country, that it was adjudged by all the Judges of *England*, that Ship-
“mony was due to the King, though I believe he will be now glad to
“be thought none of those Judges. And what others did he well knew,
“and thereupon Imprisoned a poor man for doing that, which if Ship-
“mony had been due to his Majesty by *Magna Charta*, had been law-
“ful for him to have done. Of the resolutions and judgment it self I
“am not to speak, your Lordships have passed your noble judg-
“ment.

“My Lords, the first Charge in order is, that presumptuous Decree
“against Mr. *Rolls* and others: And in truth, whatsoever gloss they put
“upon it, is no other than a plain grant of the Subsidy of *Tonnage* and
“*Poundage* to His Majesty upon all Merchandise; after their Goods seised
“for non-payment of that pretended duty, the Proprietors brought *Re-*
“*plevins* (which is the natural and genuine remedy appointed by Law
“in case of Property, and grounded upon Property) the Court Awards
“an Injunction to stay these *Replevins*, the Goods were in the King's
“possession, and no *Replevin* would lye against the King. Truly, my
“Lords, the injustice here is not so scandalous as the fraud; we all know
“a *Replevin* (as no other suit) lyes against the King, if the Goods be in
“his own hands, in his Bed-Chamber: But to call a seizure by the Far-
“mers (of whose interest this Court will not deny the notice: and if
“his Majesty had any right, they well knew he had transferred it to
“these men) or the Ware-houses of the Customers, the King's posses-
“sion, to defeat the Subject of his proper remedy, was the boldest piece
“of Sophistry we have met with in a Court of Law. Pardon me if I
“am transported: The Civilians say, *Tutor Domini loco habetur cum rem*
“*administrat, non cum pupillum spoliat*: The Office of Judges is to pre-
“serve

July,
1641.

“ serve and give remedy for right ; here they found a right, a known
 “ and unquestionable right, yet instead of assisting took away the reme-
 “ dy to preserve that right : What shall we call these Judges ? My Lords,
 “ in this Argument I am not willing to say much ; 'tis enough that
 “ your Lordships know *Tonnage and Poundage* is not a duty to the
 “ Crown, but a Subsidy, and so granted in *subsidium*, sometimes *pro una*
 “ *vice tantum*, sometimes for years, and then ceased when the time did
 “ expire, that when it was first granted for Life, it was with this Clause,
 “ *Ita quod non trahatur in exemplum futuris Regibus* : But 'tis abundant-
 “ ly enough that his Sacred Majesty cannot be tainted with the advices
 “ and judgments of these Men, but looks on this duty singly, as the
 “ meer Affection and Bounty of his Subjects, the which, no doubt, he
 “ shall never want.

“ *My Lords*, The next Charge is concerning Impositions ; Mr. *Vas-*
 “ *sal*'s Goods are seized for not paying Impost, which he conceived to be
 “ against Law, he is Imprisoned, and Judgment given against him, with-
 “ out suffering him to be heard upon the point of Right, because that had
 “ been heretofore judged in *Bates's Case* : And yet these very Judges
 “ have not thought themselves so bound up by former judgments, but
 “ that since this time they have argued a Case upon the same point,
 “ which was adjudged in *Hillary Term* in the 15 *Elizabeth*, and con-
 “ firmed after by all the Judges of *England* in a Writ of Error, in the
 “ 21 year of that Queen's Reign, 'tis *Walsingham's Case*, however the
 “ same modesty seized them again in the Case of a Noble Lord, not now
 “ present. Whether the King, without assent of Parliament, may set
 “ Impositions upon the Wares, and Goods of Merchants, is no question ;
 “ it hath been more then once debated in Parliament, and indeed whilst
 “ it was a question, was fittest for a Parliament : I will not trouble your
 “ Lordships long ; 'tis now resolved, and nothing new can be said in
 “ this Argument, though I may have leave to say, if the King can by
 “ his Letters Patents create such a right to himself, and by a Legal
 “ Course recover that right under such a Title, such Letters-Patents are
 “ in no degree inferiour to an Act of Parliament : To reconcile such a
 “ power in the Prince, and the property of a Subject, that the one must
 “ not be destructive to the other, will require a much greater, a subtler
 “ understanding then I pretend to : But, my Lords, I do not think the
 “ judgment in this point to be so great a Crime in these Judges, as that
 “ they presumed to judge at all ; the matter had been long debated in
 “ Parliament, undetermined, and therefore not within the Conusance of
 “ an inferiour Court, had it not been true that *Fortescue* says in his 36
 “ Chapter of the Laws of *England*, *Neque Rex per se aut Ministros suos,*
 “ *tallagia, subsidia, aut quævis onera alia imponit, &c. sine concessione vel*
 “ *assensu totius Regni sui in Parlamento suo expresso, &c.* If the Sta-
 “ tute *de Tallagio non concedendo*. If the 30 Chap. of *Magna Charta*,
 “ and all the other Statutes to that purpose be not clear in the point,
 “ they might easily have apprehended so much weight, so much difficul-
 “ ty in the question, (especially since in all our Law-Books, not so much
 “ as the word Imposition is found, untill the Case in my Lord *Dyer* of
 “ 1 *Eliz.* (fol. 163.) that they might very well have suspected them-
 “ selves to be no competent Judges for that determination ; and I hope
 “ by the experience of this Parliament the Judges will recover that An-
 “ cient modesty, to believe that some Cases may fall out, that may not
 “ be properly within their Jurisdiction ; in the Ninth year of *Edward*
 “ the

July,
1641.

“ the second (’tis in the Parliament Rolls.) It being found by an Office
 “ after the death of *Gilbert de Clare* Earl of *Gloucester*, that his Sisters
 “ were his Heirs, *nisi Comitissa Glocestriæ esset pregnans*, the question
 “ was, Whether the King might grant the Heirs their Livery in *prejudi-*
 “ *cium impregnaturæ* : This was conceived *negotium novum, & difficile* ;
 “ and the King having commanded the Chancellour and Judges to de-
 “ liver their Opinions in writing, they returned, *Quod non audebant*
 “ *dictum negotium definire, nec Domino Regi consulere sine assensu magna-*
 “ *tum, propter raritatem & difficultatem* : Whereupon day was given to
 “ the Parties, *ad proximum Parliamentum*. And your Lordships well
 “ know the special care that is taken by the Statute of 14 *Ed. 3. cap. 5.*
 “ that such matters, as for the difficulty, are not fit for the Judges, or
 “ through eminent delay are not dispatched by the Judges, shall be de-
 “ termined in Parliament. Not such matters as the parties concerned,
 “ had rather venture upon your Lordships judgments, then upon the
 “ Rules and Proceedings of the Law (God knows what mischief and
 “ confusion may fall out upon that admission) there must be such dif-
 “ ficulty, such delay, before that Statute meant, your Lordships Justice
 “ should be concerned in the resolution : I wish these Gentlemen had
 “ thought this business a matter of that difficulty, as had been fit for such
 “ a delay.

“ *My Lords*, We come next to the Charge concerning Knighthood :
 “ *Mr. Maleverer* appears upon the Process of that Court, pleads and
 “ submits to his Fine, *ponit se in gratiam Curiae* : The Barons refuse to
 “ impose any Fine, they had no power to do that, he must treat with
 “ certain Commissioners appointed for that purpose, and compound
 “ with them : Your Lordships have not met in the same Men such con-
 “ tradictions of Crimes ; who would suspect the same Men in one Charge,
 “ to have the mettle to Usurp the Power, and Exercise the Jurisdiction
 “ of the highest Court, the Court of Parliament ; and presently to want
 “ the Spirit to do that which was so restrained, and peculiar to their
 “ places to have done, as that none else could do it ? They had no pow-
 “ er to Fine, as if the sole business of Sworn Judges in a Court of Law,
 “ were to summon and call Men thither, and then to send them on Er-
 “ rands to other Commissioners for Justice : ’Tis true, the Commissio-
 “ ners of 1 *Edw. 1.* to *Tiptoffe* and *Berk*, and since to others, were and
 “ have been to compound with those, who desired to compound, not
 “ otherwise ; they had no power to compel any, to fine any ; that trust,
 “ by the Law, was and is only in the Judges ; so that if this duty were
 “ aright to his Majesty, and the Persons lyable refuse to compound,
 “ for ought these Judges can do, the King must lose this Duty,
 “ they can impose no Fine, only they have found a Trick, which they
 “ call the Course of the Court (to make his Majesty a savor) appear
 “ while you will, plead what you will, submit to the mercy of the
 “ Court, Issues shall go on still, as if you did neither, till you have done
 “ somewhat that Court will not order you to do, nor is bound to take
 “ notice of when you have done ; your Lordships will help us out of
 “ this Circle ? And that you may see how incapable they are of any
 “ excuse in this point, the very *Mittimus* out of Chancery gives them
 “ express Command amongst other things, *Ut fines omnium illorum qui*
 “ *juxta proclamationem predicti ordinem ante predicti diem suscepisse de-*
 “ *buerunt, capiatis, &c.* ’Tis only worth your Lordships observation,
 “ this misfortune commonly attends (and may it ever) those absolute,
 “ disused

July,
1641.

“disused Rights, that be the thing in it self in a degree lawful, the Advisers and Ministers of it so fail in the Execution, that as it usually proves as grievous to the Subject, so by some Circumstances, it proves as penal to the Instruments, as if it were in the very nature of the thing against all the Laws of Government.

“I have wearied your Lordships: You see in what a dress of injustice, subtilty and oppression, I am very unwillingly compelled to present these Judges to you; if they appear to your Lordships under any other Character of known and confessed learning in the whole course of their lives, how far that will aggravate their fault your Lordships must only judge: If under the excuse of Ignorance, or not much Knowledge in the duty of their places, your Lordships will easily conclude, what infinite mischief, of which your Lordships have no particular Information, the Subjects of this Kingdom have suffered in their Lives, in their Fortunes, under such Ignorance, and such Presumption: If under the Reputation of Prudence and Integrity in all Cases, except these presented to your Lordships; your Lordships will be at least of the same opinion, that he of *Lacedemon* was of the *Athenians*, if they carried themselves well, when time was, and now ill, they deserve a double punishment; because they are not good, as they were; and because they are evil, as they were not.

“My Lords, If the excellent, envied Constitution of this Kingdom hath been of late distempered, your Lordships see the Causes: if the sweet harmony between the King's Protection, and the Subjects Obedience hath unluckily suffered interruption; if the Royal Justice and Honour of the best of Kings have been mistaken by his People; if the Duty and Affection of the most Faithful and Loyal Nation have been suspected by their gracious Sovereign: If by these misrepresentations, and these misunderstandings the King and People have been Robbed of the delight and comfort of each other, and the blessed Peace of this Island been shaken and frightened into Tumults and Commotions; into the Poverty, though not into the rage of War, as a People prepared for Destruction and Desolation: These the are Men Actively or Passively, by doing or not doing, have brought this upon us: *Misera servitus falso pax vocatur: ubi Judicia deficiunt incipit Bellum.*

“My Lords, I am Commanded by the House of Commons to desire Your Lordships, that these Three Judges may be speedily required to make their Answers to these Impeachments: and that such further Proceedings may be had against them, as the Course and Justice of Parliament will admit.

The ARTICLES were as followeth.

Articles of the House of Commons in the Name of themselves, and of all the Commons of England, against Sir Humphrey Davenport Knight, Lord Chief Baron of His Majesties Court of Exchequer, Impeaching him as followeth.

Articles of Impeachment against Judge Davenport, July 6, 1641.

THat whereas in the Month of *October*, in the fourth Year of His Majesties Reign, the Farmers and Officers of the Custom-House, having seized great Quantities of Currants, being the Goods of *Samuel Vassal* Merchant, and having conveyed them into certain Store-Houses, at the Custom-House, and detained them, because the said *Samuel Vassal* refused to pay an Imposition

July,
1641.

of five Shillings six Pence, upon every hundred weight of the said Currants, pretended to be due upon, and demanded by the said Farmers and Officers on his Majesties behalf, for the said Currants, whereas no such Imposition was due or payable for the same; but the said Imposition was, and is against the Laws of this Realm.

And whereas also in *Michaelmas*-Term, in the said fourth Year of His Majesties Reign, His Majesties then Attorney General, exhibited an Information by *English Bill* in the Exchequer, against the said *Samuel Vassal*, setting forth that King *James* by his Letters-Patents, dated *Tertio Novembr.* in the second Year of His Reign, did command the said Imposition of five Shillings six Pence upon every hundred weight of Currants, should be demanded and received.

And that His Majesty that now is, by His Letters-Patents dated the six and twentieth Day of *July*, in the second Year of His Reign, did by advice of his Privy-Council, declare his Will and Pleasure to be, That Subsidies, Customs and Impost, should be levied in such manner, as they were in the Time of King *James*; and the same, and the Farmers thereof, to continue until it might receive a settling by Parliament, and commanded the levying and receiving the same accordingly; and that the said *Samuel Vassal* before the first Day of *October* then last, before the said Information exhibited, did bring into the Port of *London* in Ships, four Thousand six Hundred thirty eight Hundred Weight of Currants, *Richard Carmarthen*, Surveyor in the said Port of *London*, the said first Day of *October*, demanded of the said *Samuel Vassal* the said Imposition of five Shillings six Pence for every hundred Weight of the said Currants; and that the said *Samuel Vassal* refused to pay the said Imposition, and unjustly detained it from the King: To which Information the said *Samuel Vassal* appeared, and pleaded the Statute of *Magna Charta*; and the Statute of *de Tallagio non concedendo*, and that he was a Subject born under the Kings Allegiance, and a Merchant of *London* using that Trade, and that the said Sum of five Shillings six Pence upon every hundred Weight of Currants, was and is *malam talentum*, and not *antiqua seu recta consuetudo*, and that it was imposed without Assent of Parliament: to which Plea the said Attorney General demurred in Law, and the said *Samuel Vassal* joyned in Demurrer with him; and when the said Cause came to be argued, viz. in Trinity Term, in the sixth Year of His Majesties Reign, the said Sir *Humphrey Davenport* being then Lord Chief Baron of His Majesties said Court of Exchequer, did contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoverishment of the said *Samuel Vassal*, publicly deny to hear the Council of the said *Samuel Vassal* to argue for him, and said, that the Case of the said *Samuel Vassal* would fall under the same Rule with the Case of one *Bates*, and therefore was already judged: and when the Council of the said *Samuel Vassal* answering that they had nothing to do with *Bates* his Case, but desired to argue for Master *Vassal*, the said Sir *Humphrey Davenport* replied, that they knew the Opinion of the Court, and should be heard no further; and said, that the King was in Possession, and that they (meaning the said Court of Exchequer) would keep him in Possession: And the said Sir *Humphrey Davenport* shortly after did (together with the rest of the then Barons of the said Court of Exchequer) imprison the said *Samuel Vassal*, for not paying such Sums of Money as were pretended by the said Officers of the Custom-House, to be due to His Majesty, and did delay the said *Samuel Vassal* from time to time, from having restitution of his said Goods, being often in Court moved thereto, with intention to force the said *Samuel Vassal* to pay the said unlawful Imposition; and did also give his Opinion and Judgment upon the said Information for the King, and against the said *Samuel Vassal*, and by several Orders for that purpose made, did continue the Possession of the said Goods in the King, and the said *Samuel Vassal* could never obtain any restitution at all of his said Goods.

1. That whereas it was commanded to the Sheriff of the County of *York*, by Writ under the Seal of His Majesties Court of Exchequer, dated the sixteenth Day of *May*, in the seventh Year of His Majesties Reign that now is, That he should distrain *James Maleverer* Esquire, to appear before the Barons of his Majesties said Court of Exchequer, in the *Octaves* of the Holy Trinity then next following, to make fine to the King for his Trespas and Contempt

in not coming to the Presence of the King, before the one and thirtieth Day of *January*, in the first Year of his said Majesties Reign, to take upon him the Order of Knighthood, according to the Form of a Proclamation in that behalf formerly made, at which Day of the said *Octaves* of the Holy Trinity, the said *James Maleverer* did appear, and pleaded to the said Writs, that although His said Majesty, the said one and thirtieth Day of *January*, and for three Days next before, the said one and thirtieth Day of *January*, was resident and remaining at his Pallace at *White-Hall* in the County of *Middlesex*, and that the said *James Maleverer* the said one and thirtieth Day of *January*, and three Days next before the said one and thirtieth Day of *January*, was resident and remaining at *Ancliff* in the said County of *York*, which is distant from the said Pallace of *White-Hall*, the space of one Hundred and fourscore Miles; and that the said *James Maleverer* the said one and thirtieth Day of *January* aforesaid, or at any time before, had no Lands nor Rents in his own Hands, or in the Hands of Feoffees, to his use, out of the said County of *York*, and that that part of the said County of *York* which is nearest to the said Pallace of *White-Hall*, is distant from the said Pallace of *White-Hall* the space of one hundred and thirty Miles; and that no Proclamation, by vertue of any Writ of Proclamation, for the appearance of any Persons whatsoever, to take the said Order of Knighthood, was made in any Part of the said County of *York*, before the thirtieth Day of *January*, in the said first Year of His Majesties Reign, by reason whereof the said *James Maleverer* could not personally come to the Presence of His said Majesty, to take the said Order of Knighthood before the said one and thirtieth Day of *January*, in the said first Year of His Majesties said Reign, yet the said *James Maleverer* for his Fine in the Premisses, did humbly submit himself to the said Court, and demanded to be discharged of the said Issues, returned and imposed upon him by reason of the Premisses; yet notwithstanding the said Plea and Submission of the said *James Maleverer*, and after the same was made as aforesaid, and entred upon Record in His Majesties said Court of Exchequer, and the said Court moved for stay of the Process, and discharge of the Issues, the said Sir *Humphrey Davenport*, being then Lord Chief Baron of the said Court of Exchequer, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoverishing of the said *James Maleverer*, did (together with the rest of the then Barons of the said Court) refuse to impose any Fine whatsoever upon the said *James Maleverer*, and told him that the said Court had no Power to Fine him, and that he must compound with certain Commissioners for that purpose appointed. And did farther order and direct several other Writs of *Distingas*, to issue forth of His Majesties said Court of Exchequer, under the Seal of the said Court, directed to the several High Sheriffs of the said County of *York*; whereby the said Sheriffs were commanded further to distrain the said *James Maleverer* to appear as aforesaid; upon which said Writs of *Distingas*, several great and excessive Issues were returned upon the Lands of the said *James Maleverer*, amounting to the Summ of two Thousand Pounds, or thereabouts; a great part whereof, the said *James Maleverer* was inforced to pay; and in like manner the said Sir *Humphrey Davenport* (together with the rest of the then Barons of the said Court of Exchequer) did order and direct such and the like unjust and undue Proceedings; and the said Proceedings were had and made accordingly, against *Thomas Moyser* Esquire, and against several other Persons, His Majesties Subjects, in several Parts of this Realm, to the utter undoing of many of them.

2. That a Sentence of Degradation, being given by the High Commissioners of the Province of *York*, against *Peter Smart* Clerk, one of the Prebends of the Church of *Durham*, for a Sermon by him formerly Preached, against some Innovations in the Church of *Durham*, a Tryal was afterwards had, viz. in *August* in the seventh Year of his said Majesties Reign, before the said Sir *Humphrey Davenport*, Knight, then one of the Judges of Assizes and *Nisi prius* for the County *Palatine* of *Durham*, concerning the Corps of the Prebend of the said Master *Smart*, which was then pretended to be void, by the said Sentence of Degradation; the said Sir *Humphrey Davenport* contrary to his Oath, and contrary to the Laws of this Realm, and to the destruction of the said Master

Smart

July,
1641.

July,
1641.

Smart, upon reading the Writ *de hæretico comburendo*, did publickly on the Bench, in the presence of divers His Majesties Subjects then attending declare his Opinion to be, *That the said Prebends Place was void*, and gave directions to the Jury then at Bar, to find accordingly: and being then informed that although the said Master Smart had been dead or deprived, yet the Profits of his Prebend had been due to his Executors, till the *Michaelmas* following, the said Sir Humphrey Davenport then answered, *That though the said Master Smart was not dead, Yet if he had his desert, he had been dead long ago, for he deserved to have been hanged for the said Sermon, and that he was as wicked a Man, as any lived in the World, call him no more Master Smart but plain Smart.* And when the said Jury had found against the said Master Smart, the said Sir Humphrey Davenport, in scandal of His Majesties Government and Justice, and of the Proceedings of His Majesties Judges, did publickly as aforesaid, speak Words to this effect, *That the said Jury had well done, and that the said Smart had no remedy save by appeal to the King; and there he should find but cold Comfort, for the King would not go against his own Prerogative, upon which the Judges and High Commissioners did depend, and therefore would not contradict one anothers Acts.*

That the said Sir Humphrey Davenport about the Month of November, Anno Dom. 1635. then being Lord Chief Baron of his Majesties Court of Exchequer, and having taken an Oath for the due Administration of Justice to His Majesties Liege People, according to the Laws and Statutes of this Realm, subscribed his Name to an Opinion, *in hæc verba: [I am of Opinion, That as where the benefit doth more particularly redound to the good of the Ports, or Maritime Parts (as in Case of Piracy or Depredations upon the Seas) there the charge hath been, and may be lawfully imposed upon them, according to Presidents of former Times; so where the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger (of which His Majesty is the only Judge) there the Charge of the Defence ought to be borne by all the Realm in general: this I hold agreeable both to Law and Reason.]*

That in or about the Month of February, Anno Dom. 1636. the said Sir Humphrey Davenport, then being Lord Chief Baron of the said Court of Exchequer, subscribed an extrajudicial Opinion, in Answer to Questions in a Letter from His Majesty, *ut supra* in the Articles against Judge Bramston, and Judge Berkeley.

That whereas an Action of Battery was brought by one Richard Legge against Robert Hoblins, to which the said Hoblins pleaded Justification *de son assault de mesme*, and the said Cause came to Tryal at the Assizes holden for the County of Gloucester in Summer, An. 1636. before the said Sir Humphrey Davenport, then one of the Justices of Assize, and *Nisi prius* for that County: At the said Tryal the said Robert Hoblins did begin to make proof of his said Justification, and produced one Robert Tilly a Witness in the Cause, who proved upon Oath, that the said Richard Legge did make the first Assault upon the said Robert Hoblins, and that the occasion thereof was, that the said Richard Legge, and others, came upon the Lands then in Possession of the said Hoblins, and did take and drive away eighteen Cows of the said Hoblins, pretending they had a Warrant from the Sheriff to distrain the same for forty Shillings assessed upon the said Hoblins, for Ship-Money: And when the said Hoblins (being present) endeavoured to hinder the said Legge, and others, from taking away his said Cattel, the said Legge strook the said Hoblins with a Staff, who after defended himself: That upon the opening of the Matter the said Sir Humphrey Davenport, would not suffer the said Hoblins to produce any more Witnesses on his behalf (though the said Hoblins desired that other of his Witnesses then present, and sworn, might be heard) nor his Council to speak for him; but being informed that the said Hoblins (when Ship-Money was demanded of him) answered, that he would not pay the same, because it was not granted by Parliament, the said Sir Humphrey Davenport did then (openly in the hearing of a great number of His Majesties Liege People then assembled, and attending the Court) in great Passion reprove the said Hoblins, and told him that the King was not to call a Parliament to give him satisfaction; and did then and there also falsly and of purpose, to prevent His Majesties loving Subjects from the due and ordinary course of Law, and contrary to his Oath, and the Laws of the Realm, Publish, Declare, and

July,
1641.

and affirm, that it was adjudged by all the Judges of England, that Ship-money was due to the King, and directed the Jury Sworn in that cause, to find a Verdict for the said *Richard Legge*: And the said Jury did accordingly, and gave him twenty Pound damages. And the said *Humphrey Davenport* did then also, without any cause, Imprison the said *Robert Hoblins*, and bound him to the good behaviour.

That whereas in the Month of *April*, *Decimo sexto Caroli*, the Officers of the Custom-House having Seized a Ship of one *Samuel Warner*, Laden with Tobacco, being the Goods of the said *Warner*, the Bulk of the said Ship not being broken, and no Information Exhibited for the King, according to the course of the Exchequer for any Duty, the Barons were moved, that the said Ship might be restored to the Proprietors, giving security to pay such duties as did belong to the King; but upon the allegation of the Kings Attorney, that there needed no information, because there was no penalty, the said *Sir Humphrey Davenport*, being then Lord Chief Baron of His Majesties Court of Exchequer, together with the rest of the then Barons of the said Court, did (contrary to his Oath, and contrary to the Laws of this Realm) deny the restitution of the said Ship, unless all the duties demanded by the Farmers of the Custom-House were first paid.

Hereupon the said *Warner* brought an Action of *Trover* in the Office of Pleas in the Exchequer against the said Officers that Seized his Ship and Goods: Whereupon the Kings Attorney General exhibited an Information by *English Bill* in the Exchequer Chamber against the said *Warner*; setting forth, that Customs and Subsidies upon Merchandise, were a great part of the Kings Revenue, and payable to him: And that the said Ship was Seized for non-payment of the aforesaid duties; notwithstanding the said *Warner*, then Proprietor, Prosecuted the Officers upon a Suit at Law, and prays that he may answer the said Information before any further proceedings be had at Law.

Thereupon the said *Sir Humphrey Davenport* together with the rest of the then Barons of the said Court of Exchequer, ordered that the Proprietor moving for the delivery of the said Goods, should first answer to the Information: after which the said *Warner* demurred to the said Information, in regard no Title for any certain duty was set forth by the Information, which demurrer yet remains not over-ruled; but the said *Sir Humphrey Davenport*, with the said other Barons, without over-ruling the demurrer, Ordered, because *Warner* had put in a demurrer and not answered to the said Information, that he should not proceed upon the Action of *Trover*. The Proprietor being thus prevented of his remedy by Action at Law, sued forth a *Replevin*, and upon pretence of viewing the said Goods, caused them to be brought forth of a Cellar, hired by a Deputy to the Farmers to that use; and being brought forth, they were taken by the Sheriffs of *London*, by vertue of the said *Replevin*; and upon Oath made of the manner of the taking, as aforesaid, before the Barons, and upon view of the President, Inrolls the Case; the said *Sir Humphrey Davenport*, with the said other Barons, adjudged, that the said Goods were not Replevisable, and granted an Injunction to maintain Possession of them as they were before.

And the said House of Commons by Protestation, saving to themselves only the Liberties of Exhibiting at any time hereafter, any other Accusation or Impeachment against the said *Sir Humphrey Davenport*, and also of replying to the answer that he the said *Sir Humphrey Davenport*, shall make unto the said Articles, or any of them, or of offering proof of the Premisses, or any of their Impeachments, or Accusations, that shall be Exhibited by them, as the Case shall (according to the course of Parliaments) require, do pray that the said *Sir Humphrey Davenport*, Lord Chief Baron of His Majesties Court of Exchequer, may be put to answer to all and every the Premisses; and that such Proceedings, Examinations, Tryals, and Judgments may be upon every of them had and used, as is agreeable to Law and Justice.

The ARTICLES against Mr. Justice *Trevor* were as followeth.

Articles

July,

1641.

Articles of the House of Commons, in the Name of themselves, and of all the Commons of England, against Sir Thomas Trevor Knight, one of the Barons of His Majesties Court of Exchequer, Impeaching him as followeth.

1. **T**Hat in or about November 4. Car. divers Goods and Merchandises whereof (*John Rolls, George Moore, and other Merchants of London*) being Seized and conveyed into certain Store-Houses at the Custom-House, by Sir *John Worstenham, Abraham Daxes*, and other the Farmers and Officers of the Customs, and by them there detained, because the said Proprietors refused to pay the Subsidy of *Tonnage and Poundage*, pretended to be due, and demanded by the said Farmers and Officers on His Majesties behalf for the said Merchandises, whereas no such Subsidy or Duty of *Tonnage or Poundage* was due or payable for the same, no Subsidy of *Tonnage and Poundage* having been granted by Parliament to His Majesty. The said *John Rolls* and others the Proprietors of the said Goods, having by reason of such unlawful Seizure and Detainer, as aforesaid, Sued forth one or more Writ or Writs of Replevin, directed to the Sheriffs of *London* (being the proper remedy provided by the Law to regain the Possession of Goods taken and with-held from the Owners contrary to Law) the said Sir *Thomas Trevor* Knight, then, and yet one of the Barons of His Majesties said Court of Exchequer, together with the rest of the then Barons of the said Court, upon Information to them given, That the said Proprietors, or some of them, had Sued forth, and did Prosecute such Writ or Writs of Replevin, for the delivery of the said Goods, did order an Injunction under Seal of the said Court to Issue forth, directed to the Sheriffs of *London*, commanding them thereby not to Execute the said Writ or Writs of Replevin, or any like Writ thereafter to be Sued forth by any Person or Persons for the delivery of any Goods in the like nature detained: And it did declare and order publickly in the said Court of Exchequer, that the said Goods by Law were not Replevisable; alledging for cause, that the said Goods were in the Kings own Possession, whereas the same did not judicially appear to them, and they did well know, that the said Goods were at that time in the Possession of the Farmers and Lessees of the said Customs, and no Lawful cause to them appearing or suggested of the taking and detaining of the said Goods: which Injunctions and Declaration so granted and made, were and are against the Laws of this Realm, and in subversion of the common right and remedy of the Subject for regaining the Possession of his Goods, being taken and with-helden from him without Lawful cause.

That the Sheriffs of *London* for the time being served with the said injunction, did forbear to execute the said Writ or Writs of Replevin: by means whereof the said Goods continued so detained as aforesaid, contrary to Law, from the Month of *November*, till the Month of *June* following.

That the said Sir *Thomas Trevor*, and other the Barons aforesaid, knowing the said Goods to be unlawfully Seized and Detained, for the pretended Duties and Subsidy of *Tonnage and Poundage*, whereas no such were payable by Law, did from time to time delay the respective Proprietors from having restitution of their said Goods, being often in Court moved therein, with intention thereby to force the Proprietors (by wanting their Goods and the use thereof) to pay all such Sums as the said Officers of the Customs pretended to be due to His Majesty.

That to the end aforesaid, the said Sir *Thomas Trevor*, and the said other Barons refused to accept of any Security to be given by the said Proprietors upon restitution had of their Goods, for payment of all such Duties as should be made appear to be made payable to His Majesty in such manner as the said Barons should direct. That the said Sir *Thomas Trevor*, and other the Barons aforesaid, knowing that the said Sums demanded on His Majesties behalf, by the said Officers of the Customs, not to be due by Law, did refuse to order restitution of any part of those Goods (so detained as aforesaid) to the Proprietors thereof, unless the said Proprietors would deposite all such Sums of Money as the said Officers respectively demanded of them for pretended Duties to His Majesty; and the said Proprietors refusing to deposite the said Sums demanded, the said Sir *Thomas Trevor*, and other the Barons aforesaid, did order the said Officers

Officers to detain double the value of the Summs by them demanded for pretended Duties to His Majesty, and to restore the residue: the said Sir *Thomas Trevor*, and other the said Barons, then knowing that the pretended Summs demanded by the said Officers, were not by Law due or payable to His Majesty.

July,
1641.

2. That in or about *January 4. Car.* The said Officers having Seized several Merchandises of the Goods of *Richard Chambers* Merchant, upon the pretences aforesaid did detain the same; and the said *Chambers* Prosecuting by plaint to have his said Goods Replevied, the said Sir *Thomas Trevor*, together with the said other Barons, did in like manner, in the said Court of Exchequer, declare the said *Chambers* his Goods not to be Replevisable, and enjoined the Sheriffs of *London* to proceed no further therein, no cause to them appearing of such Seizure or Detainer. And the said Sir *Thomas Trevor*, and other the Barons of the said Court, refused to order the delivery of the said *Chambers* his Goods, upon good security offered by him to pay all such Summs as should be made appear to be due, and for which the said Goods were pretended to be detained; and the said Barons being often moved in Court, therein, did refuse to order restitution of any part of the said *Chambers*'s Goods, until the 23. of *November 5. Carol.* and then ordered that the said Officers should detain in their hands double the value of the Summs by them demanded, and restitution of the residue to be made to the said *Chambers*, no cause of detaining any part of the said Goods to them in any wise appearing.

3. That whereas in the Month of *October*, in the fourth year of His said Majesty's Reign, the Farmers and Officers of the Custom-House having Seized great quantities of Currants, being the Goods of *Samuel Vassall* Merchant, and having conveyed them into certain Store-Houses at the Custom-House, and detained them, because the said *Samuel Vassall* refused to pay an Imposition of five Shillings six Pence upon every Hundred weight of the said Currants pretended to be due, and demanded by the said Farmers and Officers on His Majesties behalf for the said Currants; whereas no such Imposition was due or payable for the same, but the said Imposition was and is against the Laws of this Realm.

And whereas also in *Michaelmas* Term, in the said fourth year of His Majesties Reign, His Majesties then Attorney General exhibited an Information by *English Bill* in the Exchequer-Chamber against the said *Samuel Vassall*, setting forth that King *James* by his Letters Patents Dated the third of *November* in the second year of His Reign, did command that the said Imposition of five Shillings six Pence upon every Hundred Weight of Currants should be demanded and received: And that His Majesty that now is, by His Letters Patents Dated the six and twentieth Day of *July* in the second year of His Reign, did, by Advice of his Privy Council, declare His Will and Pleasure to be, that Subsidies, Customs, and Imposts should be Levied in such manner, as they were Levied in the time of King *James*; and the same, and the Farmers to continue until it might receive a settling by Parliament, and commanded the Levying and receiving the same accordingly: and that the said *Samuel Vassall* before the first Day of *October* then last past before the said Information Exhibited, did bring into the Port of *London* in Ships, four thousand six hundred thirty eight hundred weight of Currants, and that *Richard Carmarthen*, Surveyor in the said Port of *London*, the said first day of *October* demanded of the said *Samuel Vassall* the said Imposition of five Shillings six Pence for every Hundred weight of the said Currants, and that the said *Samuel Vassall* refused to pay the said Imposition and unjustly detained it from the King. To which Information the said *Samuel Vassall* appeared, and Pleaded the Statute of *Magna Charta*, and the Statute *De tallagio non concedendo*, and that he was a Subject Born under the King's Allegiance, and a Merchant of *London* using that Trade, and that the said Summ of five Shillings six Pence upon every Hundred weight of Currants, was and is *malum tolnetum*, and not *antiqua seu recta consuetudo*, and that it was imposed without assent of Parliament. To which Plea the said Attorney General demurred in Law, and the said *Samuel Vassall* joyned in demurrer with him.

July,

1641.

That he the said Sir *Thomas Trevor*, being then and yet one of the Barons of His Majesties Court of Exchequer, together with the rest of the then Barons of the said Court, knowing the said Currants to be unlawfully Seized and detained for the pretended Duty of five Shillings six Pence Imposition upon every Hundred weight of the said Currants (whereas no such Imposition was payable by Law) did from time to time delay the said *Samuel Vassall* from having restitution of his said Goods, being often in Court moved therein, with intention thereby to enforce the said *Samuel Vassall* (by wanting the said Goods, and the use thereof) to pay all such Sums as the said Officers of the Customs pretended to be due to His Majesty, and Imprisoned the said *Samuel Vassall*, because he refused to pay such Sums of Money, as were demanded of him for the said unlawful Imposition, and that in *Trinity Term* in the sixth year of His Majesties Reign, the said case coming to be argued in open Court upon the demurrer, the said Sir *Thomas Trevor*, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoverishment of the said *Samuel Vassall*, did (together with the rest of the then Barons of the said Court of Exchequer) give his Opinion and Judgment upon the said Information for the King, and against the said *Samuel Vassall*, and by several Orders for that purpose, did continue the possession of the said Goods in the King; and the said *Samuel Vassall* could never obtain any restitution at all of the said Currants.

4. Whereas it was commanded to the Sheriff of the County of *York*, by Writ under the Seal of His Majesties Court of Exchequer, Dated the sixteenth Day of *May*, in the seventh year of His Majesties Reign that now is, That he should distrain *James Maleverer*, Esquire, to appear before the Barons of His Majesties said Court of Exchequer, in the Octaves of the Holy Trinity then next following, to make fine to the King for his Trespas and Contempt in not coming to the presence of the King before the 31. Day of *January* in the first year of His said Majesties Reign, to take upon him the Order of Knighthood, according to the Form of a Proclamation in that behalf formerly made: at which day of the said Octaves of the Holy Trinity, the said *James Maleverer* did appear, and Pleaded to the said Writ, that although His said Majesty the said 31. Day of *January*, and for three days next before the said 31. Day of *January*, was resident and remaining at His Palace at *White-Hall* in the County of *Middlesex*, and that the said *James Maleverer* the said 31. Day of *January*, and three days next before the said one and thirtieth Day of *January*, was resident and remaining at *Ancliffe* in the said County of *York*, which is distant from the said Palace of *White-Hall* the space of one hundred and four-score Miles; and that the said *James Maleverer* the said one and thirtieth Day of *January* aforesaid, or at any time before, had no Lands or Rents in his own hands, or in the hands of Feoffees to his uses, out of the said County of *York*; and that that part of the said County of *York*, which is nearest to the said Palace of *White-Hall*, the space of one hundred and thirty Miles; and that no Proclamation, by vertue of any Writ or Proclamation, for the appearance of any Persons whatsoever, to take the said Order of Knighthood, was made in any part of the said County of *York* before the thirtieth Day of *January* in the said first year of His Majesties Reign, by reason whereof the said *James Maleverer* could not personally come to the presence of His said Majesty, to take the said Order of Knighthood before the said one and thirtieth Day of *January* in the said first year of His said Majesties Reign: yet the said *James Maleverer* for his Fine in the Premises, did humbly submit himself to the said Court, and demanded to be discharged of the said Issues, returned and imposed upon him by reason of the Premises; yet notwithstanding the said Plea and Submission of the said *James Maleverer*, and after the same was made as aforesaid, and entred upon Record in His Majesties said Court of Exchequer, and the said Court moved for stay of the Process, and discharge of the Issues, the said Sir *Thomas Trevor*, being then one of the Barons of the said Court of Exchequer, contrary to his Oath, and contrary to the Laws of this Realm, and to the great Impoverishing the of said *James Maleverer*, did (together with the rest of the then Barons of the said Court) refuse to Impose any Fine whatsoever upon

on the said *James Malverer*, and told him that the said Court had no Power to Fine him, and that the must Compound with certain Commissioners for that purpose appointed. And did farther order and direct several other Writs of *Distringas*, to Issue forth of His Majestie's said Court of Exchequer, under the Seal of the said Court, directed to the several High Sheriffs of the said County of York; whereby the said Sheriffs were commanded further to distrain the said *James Maleverer* to appear as aforesaid; upon which said Writs of *Distringas*, several great and excessive Issues were returned upon the Lands of the said *James Maleverer*, amounting to the Summ of two thousand Pounds, or thereabouts; a great part whereof, the said *James Maleverer* was enforced to pay; and in like manner the said Sir *Thomas Trevor* (together with the rest of the then Barons of the said Court of Exchequer) did order and direct such and the like unjust and undue proceedings; and the said proceedings were had and made accordingly against *Thomas Moyser* Esquire, and against several other Persons His Majesties Subjects in several parts of this Realm, to the utter undoing of many of them.

July,
1641.

5. That he the said Sir *Thomas Trevor* about the Month of November Anno Domini 1635. then being one of the Barons of His Majesties Court of Exchequer, and having taken an Oath for the due Administration of Justice to His Majesties Liege People, according to the Laws and Statutes of this Realm, subscribed his Name to an Opinion *in hac verba*: I am of Opinion, &c. *ut supra* in Baron Davenport's Charge.

6. That in or about the Month of February, Anno Dom. 1636. the said Sir *Thomas Trevor* (being then one of the Barons of the said Court of Exchequer) subscribed an Extrajudicial Opinion, in answer to Questions in a Letter from his Majesty, *in hac verba*.

" Charles R. When the Good and Safety of the Kingdom in general is Concerned, &c. *ut supra*, Subscribed *ut prius*.

7. That the said Sir *Thomas Trevor* (being then one of the Barons of his Majesties Court of Exchequer) did deliver his Opinion and Judgment in the Exchequer-Chamber against *John Hampden* Esq; in the Case of Ship-Money, That he the said *John Hampden* upon the matter and substance of the Case was chargeable with the Money then in question: a Copy of which Proceedings and Judgment the Commons in this present Parliament have already delivered to your Lordships.

8. That whereas in the Month of April, 16 Caroli, the Officers of the Customs-House having seized a Ship of one *Samuel Warners*, laden with Tobacco, being the Goods of the said *Warner*, the Bulk of the said Ship not being broken, and no Information exhibited for the King, according to the course of the Exchequer for any Duty, the Barons were moved that the said Ship might be restored to the Proprietor, giving Security to pay such Duties as did belong to the King: But upon the Allegation of the King's Attorney, that there needed no Information, because there was no Penalty, the said Sir *Thomas Trevor* (being then one of the Barons of His Majesties Court of Exchequer, together with the rest of the then Barons of the said Court) did (contrary to his Oath, and contrary to the Laws of this Realm) deny the restitution of the said Ship, unless all the Duties demanded by the Farmers of the Custom-House were first paid. Hereupon the said *Warner* brought an Action of Trover upon the Case, in the Office of Pleas in the Exchequer, against the said Officers that seized his Ship and Goods; whereupon the King's Attorney General exhibited an Information by English Bill in the Exchequer Chamber, against the said *Warner*, setting forth that Customs and Subsidies upon Merchandize, were a great part of the King's Revenue, and payable to him; and that the said Ship was seized for non-payment of the aforesaid Duties. Notwithstanding the said *Warner* the Proprietor prosecuted the Officers upon a Suit at Law, and prays that he may Answer the said Information before any further Proceedings be had at Law. Thereupon the said Sir *Thomas Trevor*, together with the rest of the then Barons of

July,
1641.

the said Court of Exchequer, ordered that the Proprietor moving for delivery of his said Goods, should first answer to the Information: after which the said Warner demurred to the said Information, in regard no Title for any certain Duty was set forth by the Information; which Demurrer yet remains not over-ruled: But the said Sir Thomas Trevor (with the said other Barons) without over-ruling the Demurrer, ordered (because Warner had put in a Demurrer, and not answered to the said Information) that he should not proceed upon the Action of Trover. The Proprietor being thus prevented of his remedy by Action at Law, sued forth a Replevin, and (upon Pretence of viewing the said Goods) caused them to be brought forth of a Cellar, hired by a Deputy of the Farmers to that use: and being brought forth, they were taken by the Sheriffs of London, by vertue of the said Replevin; and upon Oath made of the manner of the taking, as aforesaid, before the Barons, and upon view of the President, in Rolls his Case; the said Sir Thomas Trevor, with the said other Barons, adjudged that the said Goods were not replevisable, and granted an Injunction to maintain the Possession of them, as they were before.

And the said House of Commons by Protestation saving to themselves only the Liberties of Exhibiting, at any time hereafter, any other Accusation or Impeachment against the said Sir Thomas Trevor, and also of replying to the Answer that he the said Sir Thomas Trevor shall make unto the said Articles, or any of them, or of offering proof of the Premises, &c.

The Articles against Mr. Baron Weston were these:

Articles of
Impeachment
against Baron
Weston July 6.
1641.

Articles of the House of Commons, in the name of themselves, and all the Commons of England, against Sir Richard Weston Knight, one of the Barons of His Majesties Court of Exchequer, Impeaching him as followeth.

1. **T**Hat the said Sir Richard Weston about the Month of November, Anno Domini 1635. Then being one of the Barons of His Majesties Court of Exchequer, and having taken an Oath for the due administration of Justice to His Majesties Liege People, according to the Laws and Statutes of this Realm, subscribed his name to an Opinion *in hac verba*: I am of Opinion, &c. *ut supra* in Sir Robert Berkley's Charge.

2. That in or about the Month of February Anno Dom. 1636. the said Sir Richard Weston (being then one of the Barons of the said Court of Exchequer) subscribed an extrajudicial Opinion, in answer to Questions in a Letter from His Majesty, *in hac verba*.

Charles R. When the good and safety of the Kingdom in general is concerned, &c. *ut supra*.

3. That the said Sir Richard Weston (being then one of the Barons of His Majesties Court of Exchequer) did deliver his Opinion and Judgment in the Exchequer-Chamber against John Hampden Esquire in the Case of Ship-money, That he the said John Hampden &c. as in Judge Crawley's Charge.

4. That whereas in the Month of April 16. Caroli the Officers of the Custom-House having Seized a Ship of one Sam. Warners, Laden with Tobacco, being the Goods of the said Warner, the Bulk of the said Ship not being broken, and no information Exhibited for the King, according to the course of the Exchequer for any duty, the Barons were moved that the said Ship might be restored to the Proprietors, giving Security to pay such Duties as did belong to the King: But upon the allegation of the Kings Attorney, that there needed no information, because there was no Penalty, the said Sir Richard Weston (being then one of the Barons of His Majesties Court of Exchequer, together with the rest of the then Barons of the said Court) did (contrary to his Oath, and contrary to the Laws of this Realm) deny the restitution of the said Ship, unless all the Duties demanded by the Farmers of the Custom-House were first paid. Hereupon the said Warner brought an Action of Trover upon the Case in the Office of Pleas in the Exchequer, against the said Officer that

that Seized his Ship and Goods; whereupon the Kings Attorney General exhibited an information by *English* Bill in the Exchequer-Chamber against the said *Warner*, setting forth, the Customs and Subsidies upon Merchandise were a great part of the Kings Revenue, and payable to him; and that the said Ship was Seized for non-payment of the aforesaid Duties. Notwithstanding the said *Warner* the Proprietor Prosecuted the Officers upon a Suit at Law, and prays that he may answer the said Information before any further proceedings be had at Law. Thereupon the said Sir *Richard Weston*, together with the rest of the then Barons of the said Court of Exchequer; ordered that the Proprietor moving for delivery of his said Goods, should first answer to the Information: after which the said *Warner* demurred to the said Information, in regard no Title for any certain duty was set forth by the Information; which demurrer yet remains not over-ruled: But the said Sir *Richard Weston* (with the said other Barons) without over-ruling the demurrer, ordered (because *Warner* had put in a demurrer, and not answered to the said Information) that he should not proceed upon the Action of Trover. The Proprietor being thus prevented of his remedy by Action at Law, sued forth a Replevin, and (upon pretence of viewing the said goods) caused them to be brought forth of a Cellar hired by a Deputy to the Farmers to that Use: and being brought forth, they were taken by the Sheriffs of *London* by vertue of the said Replevin; and upon Oath made of the manner of the taking as aforesaid before the Barons, and upon view of the President in *Rolls* his Case: the said Sir *Richard Weston* with the said other Barons, adjudged that the said Goods were not replevisable, and granted an injunction to maintain the possession of them as they were before.

And the said House of Commons by Protestation saving to themselves only the Liberties of Exhibiting, at any time hereafter any other Accusation or Impeachment against the said Sir *Richard Weston*, and also of replying to the answer &c.

Upon the Impeachment of Mr. Justice *Crawley*, Mr. *Waller* spoke as followeth:

My Lords,

“ I Am Commanded by the House of Commons, to present you with
“ these Articles against Master Justice *Crawley*, which when your
“ Lordships shall have been pleased to hear read, I shall take leave (ac-
“ cording to Custome) to say something of what I have collected from
“ the Sense of that House concerning the Crimes therein contained.

Mr. Waller's
Speech at the
Impeachment
of Mr. Justice
Crawley, July 6.
1641.

Here the Charge was read containing his Extrajudicial Opinions subscribed, and Judgment given for Ship-Money; and afterward a declaration in his Charge at an Assize, That Ship-Money was so inherent a Right in the Crown, that it would not be in the Power of a Parliament to take it away.

“ *My Lords*, Not only my Wants, but my Affections render me
“ less fit for this Employment: for though it has not been my
“ happiness to have the Law a part of my Breeding, there is no man
“ Honours that Profession more, or has a greater Reverence towards the
“ grave Judges, the Oracles thereof. Out of Parliament all our Courts
“ of Justice are governed or directed by them; and when a Parliament
“ is call'd, if your Lordships were not assisted by them, and the House
“ of Commons by other Gentlemen of that Robe; Experience tells us
“ it might run a hazard of being styled, *Parliamentum indoctorum*. But
“ as all Professions are obnoxious to the Malice of the Professours, and by
“ them most easily betrayed, so (*my Lords*) these Articles have told you
“ how these Brothers of the Coyf are become *fratres in malo*; how these
“ Sons of the Law have torn out the Bowels of their Mother: But this
“ Judge

July,

1641.

“ Judge (whose Charge you last heard) in one Expression of his excell
 “ no less his Fellows, then they have done the worst of their Predecessors,
 “ in this Conspiracy against the Common-wealth. Of the Judgment
 “ for Ship-Money, and those Extrajudicial Opinions preceding the same
 “ (wherein they are joyntly concerned) you have already heard; how
 “ unjust and pernicious a proceeding that was in so publick a Cause, has
 “ been sufficiently expressed to your Lordships: But this Man, adding
 “ Despair to our Misery tells us from the Bench, *That Ship-Money was a*
 “ *Right so inherent in the Crown, that it would not be in the power of an*
 “ *Act of Parliament to take it away.* Herein (*my Lords*) he did not
 “ only give as deep a Wound to the Common-wealth as any of the rest,
 “ but dipt his dart in such a poyson, that so far as in him lay it might
 “ never receive a cure. As by those abortive Opinions subscribing to
 “ the Subversion of our Propriety, before he heard what could be said
 “ for it, he prevented his own, so by this declaration of his, he endea-
 “ vours to prevent the Judgment of your Lordships too, and to con-
 “ fine the power of a Parliament, the only place where this Mischief
 “ might be redrest: Sure he is more Wise and Learned, than to believe
 “ himself in this Opinion, or not to know how ridiculous it would appear
 “ to a Parliament, and how dangerous to himself; and therefore no
 “ doubt but by saying *no Parliament could abolish this Judgment*, his
 “ meaning was, That this Judgment had abolish’t Parliaments.

“ This Imposition of Ship-Money springing from a pretended neces-
 “ sity, was it not enough that it was now grown annual, but he must
 “ intail it upon the State for ever, at once making Necessity inherent to
 “ the Crown, and slavery to the Subject? Necessity, which dissolving
 “ all Law, is so much more prejudicial to his Majesty, than to any of us,
 “ by how much the Law has invested his Royal State with a greater
 “ power, and ampler fortune; for so undoubted a truth it has ever
 “ been, that Kings as well as Subjects are involved in the confusion which
 “ necessity produces, that the Heathen thought their Gods also obliged
 “ by the same, *Pareamus necessitati, quam nec homines nec Dii superant*:
 “ This Judge then having in his Charge at the *Affize* declared the dissolu-
 “ tion of the Law by this supposed Necessity, with what Conscience could
 “ he at the same *Affize* proceed to condemn and punish men, unless perhaps
 “ he meant the Law was still in force for our destruction, and not for
 “ our preservation, that it should have power to kill, but none to pro-
 “ tect us, a thing no less horrid then if the Sun should burn without light-
 “ ing us, or the Earth serve only to bury, and not to feed and nourish
 “ us. But (*my Lords*) to demonstrate that this was a supposititious im-
 “ posed necessity, and such as they could remove when they pleased, at
 “ the last Convention in Parliament, a price was set upon it, *For Twelve*
 “ *Subsidies you shall reverse this Sentence*; It may be said that so much
 “ Money would have removed the present necessity, but here was a Rate
 “ set upon future necessity, *For Twelve Subsidies you shall never suffer*
 “ *necessity again, you shall for ever abolish that Judgment*; Here this
 “ mystery is revealed, this visour of necessity is pulled off, and now it ap-
 “ pears that this Parliament of Judges had very frankly and bountifully
 “ presented his Majesty with Twelve Subsidies to be levied on your
 “ Lordships, and the Commons: Certainly there is no Priviledg which
 “ more properly belongs to a Parliament, then to open the Purse of the
 “ Subject; and yet these Judges, who are neither capable of Sitting
 “ among us in the House of Commons, nor with your Lordships, other-
 “ wise

July,
1641.

" wife then as your assistants, have not only assumed to themselves this
" priviledg of Parliament, but presumed at once to make a Present to
" the Crown of all that either your *Lordships* or the *Commons* of *England*
" do, or shall hereafter possess.

" And because this man has had the boldness to put the power of Par-
" liament in ballance with the Opinion of the Judges, I shall entreat
" your *Lordships* to observe by way of comparison, the solemn and safe
" proceeding of the one, with the precipitate dispatch of the other : In
" Parliament (as your *Lordships* know well) no new Law can pass,
" or old be abrogated, till it has been thrice read with your *Lordships*,
" thrice in the Commons House, and then it receives the Royal Assent,
" so that 'tis like Gold seven times purified ; whereas these Judges by
" this one Resolution of theirs would perswade his Majesty, that by na-
" ming *Necessity*, he might at once dissolve, at least suspend, the Great
" Charter, 32 times confirmed by his Royal Progenitors, the *Petition*
" of *Right*, and all other Laws provided for the maintenance of the
" Right and Propriety of the Subject : A strange Force, my *Lords*, in the
" sound of this word *Necessity*, that like a Charm it should silence the
" Laws, while we are despoiled of all we have : for that but a part of
" our Goods was taken, is owing to the Grace and Goodness of the King ;
" for so much as concerns these Judges, we have no more left then they
" perhaps may deserve to have, when your *Lordships* shall have passed
" Judgment upon them. This for the neglect of their Oaths, and be-
" traying that Publick Trust, which for the Conservation of our Laws
" was reposed in them.

" Now for the cruelty and unmercifulness of this Judgment : You may
" please to remember, that in the Old Law they were forbid to seeth a
" Kid in his Mother's milk ; of which the received Interpretation is,
" That we should not use that to the destruction of any Creature, which
" was intended for its preservation. Now, my *Lords*, God and Nature
" have given us the Sea as our best guard against our Enemies, and our
" Ships as our greatest Glory above other Nations ; and how barbarous-
" ly would these men have let in the Sea upon us, at once to wash
" away our Liberties, and to overwhelm, if not our Land, all the Pro-
" priety we have therein ; making the supply of our Navy, a pretence
" for the ruine of our Nation ? For observe, I beseech you, the fruit and
" consequence of this Judgment, how this mony hath prospered, how
" contrary an effect it hath had to the end for which they pretended
" to take it : On every County a Ship is Annually imposed, and who
" would not expect, but our Seas by this time should be covered with
" the number of our Ships ? Alas, my *Lords*, the daily Complaints of
" the decay of our Navy tell us how ill Ship-mony hath maintained the
" Sovereignty of the Sea ; and by the many Petitions which we receive
" from the Wives of those miserable Captives at *Algier* (being between
" Four and Five Thousand of our Countrey-men) it does too evidently
" appear that to make us slaves at home, is not the way to keep us from
" being made slaves abroad ; so far has this Judgment been from relie-
" ving the present, or preventing the future necessity, that as it changed
" our real Propriety into the shadow of a Propriety, so of a feigned, it has
" made a real necessity.

" A little before the approach of the *Gauls* to *Rome*, while the *Ro-*
" *mans* had yet no apprehension of that danger, there was heard a voice
" in the Air, louder than ordinary, *The Gauls are come* ; which voice,
" after

July,
1641.

“ after they had sack’t the City, and besieged the Capitol, was held so
 “ ominous, that *Livie* relates it as a Prodigy. This Anticipation of ne-
 “ cessity seems to have been no less ominous to us : These Judges, like ill
 “ booding Birds have call’d necessity upon the State in a time when,
 “ I dare say, they thought themselves in greatest security ; but if it seem
 “ superstitious to take this as an Omen, sure I am, we may look on it
 “ as a Cause of the unfained necessity we now suffer, for what regret
 “ and discontent had this Judgment bred among us ? And as when the
 “ Noise and Tumult in a private house grows so loud as to be heard in-
 “ to the Streets, it calls in the next Dwellers, either kindly to appease,
 “ or to make their own use of the Domestick strife ; so in all likelihood
 “ our known discontents at home have been a concurrent cause to invite
 “ our Neighbours to visit us so much to the expence and trouble of both
 “ these Kingdoms.

“ And here, *My Lords*, I cannot but take notice of the most sad ef-
 “ fect of this Oppression ; the ill influence it has had upon the Ancient
 “ Reputation and Valour of the *English* Nation : And no wonder, for
 “ if it be true Oppression makes a Wise-man Mad, it may well sus-
 “ pend the courage of the Valiant : The same happened to the *Romans*
 “ when for renown in Arms they most excell’d the rest of the World ;
 “ the Story is but short : ’Twas in the time of *Decemviri* (and I think
 “ the chief troublers of our State may make up that number :) The
 “ *Decemviri*, *My Lords*, had Subverted the Laws, Suspended the Courts
 “ of Justice, and (which was the greatest grievance both to the Nobi-
 “ lity and People) had for some years omitted to Assemble the Senate,
 “ which was their Parliament : This, says the Historian, did not only
 “ deject the *Romans*, and make them despair of their liberty, but caused
 “ them to be less valued by their Neighbours : The *Sabines* take the ad-
 “ vantage and invade them ; and now the *Decemviri* are forced to call
 “ the long desired Senate, whereof the People were so glad, that *Hosti-*
 “ *bus belloque gratiam habuerunt* : This Assembly breaks up in discon-
 “ tent ; nevertheless the War proceeds, Forces are raised, led by some
 “ of the *Decemviri*, and with the *Sabines* they meet in the field : I know
 “ your Lordships expect the Event ; my Author’s words of his Coun-
 “ try-men are these, *Ne quid ductu aut auspicio Decemvirorum prospere*
 “ *gereretur, vinci se patiebantur*, They chose rather to suffer a present
 “ Diminution of Honour, then by Victory to confirm the Tyranny of
 “ their new Masters. At their return from this unfortunate Expediti-
 “ on, after some Distempers and Expostulations of the People, another
 “ Senate, that is a second Parliament, is called, and there the *Decemviri*
 “ are questioned, deprived of their Authority, imprisoned, banished, and
 “ some lose their lives ; and soon after this Vindication of their Liber-
 “ ties, the *Romans* by their better Success made it appear to the World,
 “ that Liberty and Courage dwell always in the same Breast, and are ne-
 “ ver to be Divorced.

“ No doubt, *My Lords*, but your Justice shall have the like effect
 “ upon this dispirited people ; ’tis not the Restauration of our Ancient
 “ Laws alone, but the Restitution of our Ancient Courage, which is ex-
 “ pected from your Lordships : I need not say any thing to move your
 “ just indignation, that this Man should so cheaply give away that which
 “ your Noble Ancestors with so much Courage, and Industry had so long
 “ maintained : You have often been told how careful they were, though
 “ with the hazzard of their Lives and Fortunes, to derive those Rights,
 “ and

July,
1641.

“ and Liberties as entire to Posterity as they received them from their
“ Fathers; what they did with labour you may do with ease, what
“ they did with danger you may do securely, the Foundation of our
“ Laws is not shaken with the Engine of War, they are only blasted
“ with the breath of these men, and by our breath may be resto-
“ red.

“ What Judgments your Predecessors have given, and what punish-
“ ments their Predecessors have suffered for offences of this nature, your
“ Lordships have already been so well informed, that I shall not trouble
“ you with the repetition of those Precedents: Only, my Lords, some-
“ thing I shall take leave to observe of the person with whose Charge I
“ have presented you, that you may the less doubt of the wilfulness of
“ his offence.

“ His Education in the Inns of Court, his constant practice as a Coun-
“ cellor, and his experience as a Judge (considered with the mischief he
“ has done) makes it appear that this progress of his through the Law,
“ hath been like that of a diligent Spie through a Country, into which
“ he meant to conduct an Enemy.

“ To let you see he did not offend for company, there is one Crime
“ so peculiar to himself, and of such malignity, that it makes him
“ at once incapable of your Lordships favour, and his own sub-
“ sistence incompatible with the right and propriety of the Subject:
“ for if you leave him in a capacity of interpreting the Laws, hath he
“ not already declared his opinion, That your Votes and Resolutions
“ against Ship-mony are void, and that it is not in the power of a Par-
“ liament to abolish that Judgment? To him, *My Lords*, that hath
“ thus plaid with the Power of Parliament, we may well apply what
“ was once said to the Goat browsing on the Vine,

*Rode, caper, vitem; tamen hinc cum stabis ad aras
In tua quod fundi cornua possit, erit.*

“ He hath cropt and infring'd the priviledges of a banish'd Parliament,
“ but now it is returned, he may find it has power enough to make a
“ sacrifice of him, to the better establishment of our Laws: And in truth
“ what other satisfaction can he make his injur'd Country, then to con-
“ firm by his example those Rights and Liberties which he had ruined
“ by his opinion?

“ For the proofs, *My Lords*, they are so manifest, that they will give
“ you little trouble in the disquisition; his Crimes are already upon
“ Record, the Delinquent and Witness are the same; having from several
“ sorts of Judicature proclaimed himself an Enemy to our Laws and Nati-
“ on, *Ex ore suo judicabitur*. To which purpose I am Commanded by the
“ Knights, Citizens and Burgeses of the House of Commons, to desire your
“ Lordships that as speedy a proceeding may be had against Mr. Justice
“ *Crawley* as the Course of Parliament will permit.

The Articles against Mr. Justice Crawley were these.

July,
1641.

The Articles
of Impeach-
ment against
Judge Craw-
ley.

Articles of the House of Commons in the Name of themselves, and of all the Commons of *England*, against Sir Francis Crawley, Knight, one of the Justices of His Majesties Court of *Common-Pleas*, impeaching him as followeth.

I. **T**hat he about the Month of November, Anno 1635. then being one of the Justices of the Court of *Common-Pleas*, and having taken an Oath for the due Administartion of Justice to His Majesties Liege People, according to the Laws and Statutes of this Realm, subscribed an Opinion in hæc verba: [I am of Opinion, That as where the benefit doth more peculiarly redound to the good of the Ports, or Maritime Parts, (as in Case of Piracy or Depredations upon the Seas) there the Charge hath been, and may be lawfully imposed upon them, according to Presidents of former Times; so where the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, (of which His Majesty is the only Judge) there the charge of the Defence ought to be born by all the Realm in general: This I hold agreeable both to Law and Reason.]

2. That he, in or about the Month of February, Anno 1636. Then being one of the Justices of the said Court of *Common-Pleas*, subscribed an extrajudicial Opinion, in answer to Questions in a Letter from His Majesty, in hæc verba, ut supra in the Articles against Judge Berkeley.

3. That he then being one of the Justices of the said Court of *Common-Pleas*, delivered an Opinion in the Exchequer Chamber against John Hampden, Esquire, in case of Ship-Money; that he the said John Hampden, upon the matter and substance of the case, was chargable with the Money then in Question (a Copy of which Proceedings and Judgment, the Commons of this present Parliament have already delivered to your Lordships.)

4. That he then being one of the Justices of the said Court of *Common-Pleas* declared and published in the Exchequer Chamber in Westminster, and the Circuit where he went Judge, That the Kings Right to Ship-Money was so inherent a Right in the Crown, as an Act of Parliament could not take it away. And with divers malicious Speeches inveighed against, threatned and discountenanced such as refused to pay Ship-Money. All which Opinions and Judgments contained in the first, second and third Articles are destructive to the Fundamental Laws of this Realm, the Subjects right of Property, and contrary to former Resolutions in Parliament, and to the Petition of Right, which said Resolutions and Petitions of Right were well known to him.

And the said Commons by Protestation, saving to themselves only the Liberties of exhibiting at any time hereafter, any other Accusation or Impeachment against the said Sir Francis Crawley, and also of replying to the Answer, that he the said Sir Francis Crawley shall make unto the said Articles, or any of them, or of offering Proof of the Premisses, or of any of their Impeachments or Accusations that shall be exhibited by them, as the Case shall according to the Course of Parliaments require; Do pray that the said Sir Francis Crawley, one of the Justices of the said Court of *Common-Pleas*, may be put to answer to all and every the Premisses; and that

that such Proceedings, Examinations, Tryals and Judgments, may be upon every one of them had and used, as is agreeable to Law and Justice.

July,

1641:

The Articles of Impeachment against Sir John Brampton Knight, Lord Chief Justice of the Court of Kings-Bench, were as follow.

Articles of the House of Commons, in the name of themselves and all the Commons of England, against Sir John Brampton Knight, Lord Chief Justice of the Court of Kings Bench, Impeaching him as followeth.

The Articles of Impeachment against Sir John Brampton Lord Chief Justice of the Kings Bench.

1. **T**hat the said Sir John Brampton, then being Lord Chief Justice of the Court of Kings Bench, and having taken an Oath for the due Administration of Justice to His Majesties Liege People, according to the Laws and Statutes of this Realm, did, on or about the last of November 1635. Subscribe his Name to an Opinion, *in hac verba* :

I am of Opinion, that as where the benefit doth more peculiarly redound to the good of the Ports or Maritime parts (as in case of Pyracie or Depredations upon the Seas) there the Charge hath been, and may be lawfully Imposed upon them, according to Presidents of former times; so where the good and safety of the Kingdom in General is concerned, and the whole Kingdom in danger (of which His Majesty is the only Judge) there the Charge of the defence ought to be born by all the Realm in General. This I hold agreeable both to Law and Reason.]

2. That he the said Sir John Brampton, then being Lord Chief Justice of the Court of Kings Bench, about the Month of February 1635. did Subscribe an extrajudicial Opinion in answer to questions in a Letter from His Majesty *ut supra* in the Articles against Sir Robert Berkley.

Which said Opinions contained in the first and second Articles are destructive to the Fundamental Laws of this Realm, the Subjects right of Propriety, and contrary to former resolutions in Parliament, and to the Petition of Right.

3. That he the said Sir John Brampton, then Lord Chief Justice of the Court of Kings Bench, about Trinity Term 1637. refused to Bail or Discharge Alexander Jenings Prisoner in the Fleet, brought by Habeas Corpus to the Barr before him, the return of this Commitment being two several Warrants from the Lords of the Council, Dated the fifth of November 1635. the first expressing no cause, the other for not paying Messengers Fees; and until he should bring Certificate that he had paid his Assesment for Ship-money in the County of Bucks: And the said Sir John Brampton, the first Warrant being only read, then said, *The cause of his Commitment did not appear; and that it was not fit for every Goaler to be made acquainted by the Lords of the Council why they Committed, and therefore Remitted him.* And in Michaelmas Term after, the said Jenings being brought by another Habeas Corpus, as aforesaid, and the same returned, yet he the said Sir John Brampton refused to Discharge or Bail him, but remitted him. And in Easter Term next, after several Rules for His Majesties Council to shew cause why he the said Jenings should not be Bailed, a fourth Rule made for the said Jenings, to let His Majesties Attorney have notice, which notice was given accordingly, yet he remitted him. And the said Jenings by another Habeas Corpus brought to the Barr, as aforesaid, in Trinity Term after, and the same return with the addition of a new Commitment of the fourth of May 1638. suggested, that he the said Jenings had used divers scandalous words in derogation and disparagement of his Majesties Government: After several Rules, in the end of the said Trinity Term, he again remitted him to Prison. And he the said Sir John Brampton about the ninth of July after, at his Chamber in Serjeants-Inn, being desired by Mr. Meawtis one of the Clerks of the Council-Board, to discharge the said Jenings, for that he the said Jenings had entred into a Bond of 1000l. to appear before the Lords of the Council the next Michaelmas Term after, and to attend *de die in diem*; yet the said Sir John Brampton refused to discharge the said Jenings until he entred into Recognisance to appear the next Term, and in the mean time to be of his good behaviour. And the said Jenings was continued on his said Recognisance

July,
1641,

cognisance till *Easter Term* after. And the said Sir *John Brampton* did on the fifth of *June* 1640. deferr to grant His Majesties Writ of *Habeas Corpus* for *Samuel Danvers* and *William Pargiter* Esquires, Prisoners in the Gate-House and in the Fleet; and when he had granted the said Writ the said eighth Day of *June* after the return, being the Order of the Council-Table, not expressing any cause, he the said Sir *John Brampton* deferred to Bail the said *Pargiter*. And the eighteenth of *June* after, made a Rule for a new return to be received, which was returned the five and twentieth of the said *June*, in *hac verba*.

“Whereas His Majesty finding that His Subjects of *Scotland* have in Rebel-
“lious and Hostile manner Assembled themselves together, and intend not on-
“ly to shake off their obedience unto His Majesty, but also as Enemies to In-
“vade and Infest this His Kingdom of *England*, to the danger of His Royal
“Person, &c.

For prevention whereof, His Majesty hath by the Advice of His Council-Board, given special Commandment to all the Lord Lieutenants of all the Counties of this Realm, with expedition to Arm and Array a certain number of able Men in each County, to be prepared ready to be conducted to such places as should be appointed for their Rendezvous, in their severall and respective Counties, there to be conducted and drawn together in a Body for this Service. And whereas His Majesty, according to the Laws and Statutes of this Realm, and the constant Custom of His Predecessors, Kings and Queens of this Realm, hath Power for the defence of this Kingdom, and resisting the Force of the Enemies thereof, to grant forth Commissions under His great Seal to such fit Persons as he shall make choice of, to Array and Arm the Subjects of this Kingdom, and to compel those who are of able Body, and of able Estates, to Arm themselves; and such as should not be able of Bodies, but of Ability in Estate, to Assess them according to their Estates, to contribute towards the charge of Arraying and Arming others able of Body, and not being able in Estate to Arm themselves. And such Persons as should be contrariant, to commit to Prison, there to remain untill the King should take further order therein.

And whereas the Earl of *Exceter*, by vertue of His Majesties Commission to him directed, for the Arraying and Arming of a certain number of Persons in the County of *Northampton*, hath assent *William Pargiter*, being a Man unfit of Body for that Service, but being of Estate and Ability fit to contribute amongst others, to pay the Summ of five Shillings towards the Arraying and Arming of others of able Bodies, and wanting Ability to Array themselves.

And whereas we have received Information from the said Earl, that the said *William Pargiter* hath not only in a willful and disobedient manner refused to pay the said Money assessed upon him towards so Important a Service, to the disturbance and hinderance of the necessary defence of this Kingdom, but also by His ill example hath misled many others, and, as we have just cause to believe, hath practised to seduce others from that ready obedience which they owe, and would otherwise have yielded to His Majesties just command, for the publick defence of His Person and Kingdom; which we purpose with all convenient speed to enquire further of and examin.

These are therefore to will and require you, to take into your Custody the Person of the said *William Pargiter*, and him safely to keep Prisoner, till further Order from this Board, or untill by due Course of Law he shall be delivered: (And the like return was then made in all things, *mutatis mutandis*, concerning the said *Danvers*, for not paying a Summ of Money assessed upon him.) Yet he the said Sir *John Brampton*, deferred to Bail the said *Danvers* and *Pargiter*, but remitted the said *Danvers* to the Fleet, where he remained till the 12 of *July*, 1640. and the said *Pargiter* to the Gate-House, where he remained till the Ninth of *November* last; although the said *Jenings*, *Danvers*, and *Pargiter*, upon all and every the said Returns, ought to have been discharged or bailed by Law, and the Council of the said *Jenings*, *Danvers*, and *Pargiter*, offered in Court very sufficient Bail.

And he the said Sir *John Brampton*, being Chief Justice of the Court of Kings-Bench, denied to grant His Majesties Writ of *Habeas Corpus* to very many other His Majesties Subjects; and when he had granted the said Writs of *Habeas Corpus* to very many others His Majesties Subjects, and on the return

no Cause appeared, or such Cause only as was clearlyailable by Law; yet he remanded them, where they remained Prisoners very long; which said deferring to grant the said Writs of *Habeas Corpus*, and refusals, and delays to discharge Prisoners, or suffer them to be Bailed, contained in this Article, are destructive to the Fundamental Laws of this Realm, and contrary to former resolutions in Parliament, and to the Petition of Right; which said Resolutions and Petition of Right, were well known to him the said Sir *John Brampton*.

July,
1641.

4. That whereas there was a Cause depending in the Court Christian at *Norwich*, between *Samuel Booty* Clerk, and *Collard*, for two Shillings in the Pound for Tythes, for Rents of Houses in *Norwich*; and the said *Collard*, moved by his Council in the Court of Kings-Bench, for a Prohibition to stay Proceedings in the Court Christian at *Norwich*, and delivered into the said Court of Kings-Bench his Suggestions, that the said Cause, in the said Court Christian was for Tythes for Rents of Houses in *Norwich*, which was determinable by the Common Law only; yet he the said Sir *John Brampton*, being Chief Justice of the said Court of Kings-Bench, and sitting, the said Court deferred to grant a Prohibition to the said Court Christian in the said Cause, although the Council did move in the said Court several Times, and several Terms for a Prohibition: And he the said Sir *John Brampton* deferred to grant His Majesties Writs of Prohibition to several Courts, on the Motions of divers others of His Majesties Subjects where the same, by Laws of this Realm ought to have been granted contrary to the Laws of this Realm, and his own knowledge.

And the said Commons by Protestation saving to themselves only the Liberties of Exhibiting at any time hereafter, any other Accusation or Impeachment against the said Sir *John Brampton*, and also of replying to the Answer, that he the said Sir *John Brampton* shall make unto the said Articles, or any of them, or of offering Proofs of the Premises, or any of their Impeachments, or Accusations that shall be exhibited by them, as the Case shall, according to the Course of Parliament require, do pray that the said Sir *John Brampton* Lord Chief Justice of the Court of Kings-Bench, may be put to answer to all and every the Premises; and that such Proceedings, Examinations, Tryals and Judgments may be upon every of them had and used, as is agreeable to Law and Justice.

Mr. *Hollis* also, according to the Order of the House of Commons at this Conference, made application to their Lordships in the behalf of Sir *Randal Crew* in this manner.

My Lords,

THese Gentlemen have represented unto your Lordships the sad object of Justice perverted, Liberty oppressed, of Judgment turned into Worm-wood; the Laws, which should be the Bars of our Gates, to protect us, keep us, and all that is ours in safety, made weak and impotent, to betray us unto the hands of violence, instead of Props to support us, become broken Reeds to deceive us, and run into our sides when we lean upon them, even so many snares to entrap and entangle us.

And all this by the perfidiousness of those who are entrusted with our Laws, who call themselves the Guardians, and the Interpreters of the Law; but by their accursed Glosses have confounded the Text, and made it speak another Language, and another Sense, than ever our Ancestors, the Law-makers, intended.

Our Ancestors made Laws to keep themselves, their posterity after them in the possession of their Estates; these Judges could make the Law it self rob us and despoil us of our Estates. Were we invaded and persecuted at any

Mr. Denzil
Hollis his
Speech about
Sir Randal
Crew, July 6.
1641.

July,
1641.

any time for pretended Crimes, or rather because they were free from Crime? And did we put our selves upon a legal defence, and shelter our selves under the Buckler of the Law; use those Lawful Weapons which Justice and Truth, and the Common Right of the Subject did put into our hands, would this avail us? No, these Judges would make the Law wrest our Weapons from us, disarm us, take away all our defence, expunge our Answers, even bind us hand and foot, and so expose us naked and bound, to the mercilessness of our Oppressors; were our Persons forced and imprisoned by an Act of Power, would the Law relieve us when we appealed unto it? No, it would joyn hands with violence, and add bitterness to our sorrow: these Judges would not hear us when we did cry, no importunity could get a Habeas Corpus: Nay, our cries would displease them, and they would beat us for crying, and over-do the unjust Judge in the Gospel, with whom yet importunity could prevail.

My Lords, The Commons of England finding themselves in this lamentable condition, by the wickedness of these Judges: It is no wonder that we complain of them; it is no wonder if the Knights, Citizens and Burgeses Assembled in Parliament, have sent up some of their Members to stand upon Mount Ebal to Curse these Judges; to denounce a Curse upon them who have removed our Land-marks, have taken away the Bound-stones of the Propriety of the Subject, have left no Meum & Tuum, but he that had most might, had most right, and the Law was sure to be on his side.

It hath been the part of these Gentlemen who have spoken before me, to pray for justice upon those men, who would not do justice to others. My Lords, I come upon another Errand, and yet for justice too, for there is justice upon Mount Gerezim, as well as upon Mount Ebal. It is as great a point of justice to give a blessing, a reward where it is due, as punishment where punishment is due: For reward and punishment, Præmium & pœna, be the two legs that Justice walks on, and reward is her right leg, the more noble and the more glorious Supporter of that Sacred and Divine Body, that which God himself the Foundation of Justice doth more delight in.

Traditor ad pœnas Deus est, ad præmia velox.

Punishment is good, as Physick in the Consequence, Reward as wholesome and nourishing Food, in the Essence; the one we do, because we must do it as necessary; the other, because we love to do it as being pleasing and delightful.

Your Lordships then, I doubt not, will as willingly joyn with the Commons, in doing good to a good Judge, as in punishing of the bad.

My Lords, We honour them and reckon them Martyrs for the Commonwealth, who suffer any thing by defending the Common Right of the Subject, when they will not part with their own Goods contrary to Law; when indeed their private interest goes along with it, or rather before it; and the publick Concernment seems to come but in a second place, such were those many, whom these Judges have oppressed; yet these Men we magnifie, and judge worthy of Praise and Reward.

But what honour then is he worthy of, who meerly for the publick, hath suffered himself to be divested and deprived of his particular, such a Judge as would lose his place, rather than do that which his Conscience told him was prejudicial to the Commonwealth: Is not he worthy of double honour?

And

And this did that Worthy Reverend Judge, the chief Judge of England at that time, Sir Randol Crew, because he would not, by subscribing, countenance the Loan in the first year of the King, contrary to his Oath and Conscience, he drew upon himself the displeasure of some great Persons about his Majesty, who put on that project, which was afterwards condemned by the Petition of Right, in the Parliament of Tertio, as unjust and unlawful; and by that means he lost his place of Chief Justice of the King's-Bench, and hath these fourteen years, by keeping his innocency, lost the profit of that Office, which upon a just Calculation, in so long a Revolution of time amounts to 26000 l. or thereabouts.

He kept his Innocency when others let theirs go, when himself and the Common-wealth were alike deserted, which raises his merit to a higher pitch: For to be honest when every body else is honest, when honesty is in fashion, and is Trump, as I may say, is nothing so meritorious; but to stand alone in the breach, to own honesty when others dare not do it, cannot be sufficiently applauded, nor sufficiently rewarded. And that did this good old man do: in a time of general desertion, he preserved himself pure and untainted.

Temporibusque malis ausus is esse bonus.

My Lords, The House of Commons are therefore Suiters unto your Lordships, to joyn with them in the representation of this good Man's Case unto his Majesty, and humbly to beseech his Majesty to be so good and gracious unto him, as to give him such honour (the quality of this case considered) as may be a noble mark of Sovereign grace and favour, to remain to him and his posterity, and may be in some measure a proportionable compensation for the great loss he hath with so much patience and resolution sustained.

There certainly cannot in the whole World be seen a more Illustrious Court, than this High and Honourable Assembly of Peers in Parliament, nor any thing of greater Benefit and Advantage to the Subjects of this Monarchy, where matters of Right and Equity are Debated and Ordered with that great Wisdom and Justice, that Tenderness and Caution, that all persons may find Redress, which as it has in all times been most visible, so even in this Parliament it may be seen in a thousand Instances, so long as it continued free, and undivested of its Noble Members the Loyal Lords, and the Bishops: And because they into whose hands these Collections may come, might see I endeavoured their Interest as well as to gratifie their Curiosity, I have entred into these Papers many Orders of the Lords House in particular and extraordinary Matters, that so the Readers and others might know where to seek and find Relief in many Cases, wherein the ordinary Courts of Justice cannot avail them; and I give this account that so they may not appear either forreign to my Design, or superfluous in the Undertaking.

It was this day Ordered, That the Earls of Dorset, Warwick, and Stamford are to be attended, and humbly desired by virtue of this Order, to mediate a peaceable and friendly Composition and Agreement between Mr. Stoddard and his Three Sisters touching their several Maintenance, during their Lives. But in case the said Mr. Stoddard shall refuse to perform such things as their Lordships shall think reasonable to be agreed unto, then their Lordships are to make Report thereof unto this House, which will proceed therein according to Justice and Equity.

Inform-

July,
1641.

An Order of
the Lords for
Provision for
Sisters by
their Brother.

July,

1641.

Wednesday,

July 7.

Message to desire the King to stop the Allowances of Sir Fr. Windbank, &c.

A Message from his Majesty concerning the Officers of the Star-Chamber.

Information being this day given to the Commons, That the Allowances formerly paid to Mr. *Jermyn*, Sir *John Suckling* and others were still continued in their Places and Salaries, Mr. Treasurer was ordered to move his Majesty to stop any Allowances or Payments to Sir *Francis Windbank*, Mr. *Montague*, Mr. *Jermyn*, and Sir *John Suckling*, while they stand in the Condition they are now in.

A Message was also brought from the King by Mr. Solicitor concerning the Officers of the Star-Chamber; and it was moved, That a Committee might be appointed to take an account of them and their Places, and what Reparation was fit to be made them; But it was laid aside. A like Message was sent to the Lords, who appointed a Committee to consider of it.

The House then entred upon the Debate concerning the King's *Manifesto* about the Affair of the *Palatinate*, and being resolved into a Committee of the whole House, and Mr. *Whitlock* being in the Chair, Sir *Simon D'Ewes* spoke upon that Subject to this Effect.

Mr. *Whitlock*,

Sir *Simon D'Ewes* his Speech concerning the *Manifesto*, and the Affair of the *Palatinate*, July 7. 1641.

WE have during this Parliament, fallen upon the Debate of the greatest and most important Affairs, concerning our Own Good and Welfare at Home, that ever were agitated, and discussed at one Meeting in the House of Commons. And we are at this present, by the Gracious Invitation of his Royal Majesty expressed in his most Just *Manifesto* read unto us, resolved to take into Consideration, the most Sublime, and most Difficult Business of the Christian World abroad: which hath for the space of above Twenty Years last past, drawn all the Kingdoms and States of *Europe*, into an immediate or mediate Ingagement: In which, there have been Twenty pitch't Battels fought, a Million of Men, Women and Children destroyed by the Sword, by the Flames, by Famine, and by Pestilence; and that sometimes Populous and Fertile Empire of *Germany* reduced to a most Extream and Calamitous Desolation. I have in those few spare-Hours I could borrow yesterday, from the publique Service of the House, recollected some particulars, which may conduce to the clearing of this great Cause, being drawn out of the *Autographs* themselves, or out of our Records at Home, or out of the Writings of our very Adversaries, and others abroad. I shall therefore begin at the Original it self, of the never-enough to be lamented loss of the Prince *Palatine's* Dominions, and Electoral Dignity: that so we may take along with us, in our intended Disputes, not only our Affections, but our Consciences. It is therefore very manifest, to all that are but meanly vers't in the Cabinet Affairs of Christendom; That the Jesuits have Consulted for many years last past, as well before, as since the Furious Wars of *Germany*, by what means to ruin the Evangelical Princes, and Party there. Their Chief Aim hath been, so to divide the Protestant Princes amongst themselves, as they might be made use of Each against other, for the Ruine Each of other.

The first Occasion, that offered it self within our Memories, was the Pretences of several Competitors to the Dukedomes of *Cleve* and *Ju-liers*, and they failed but a very Little to have executed their intended Design upon that Occasion. But their hopes failing in it, they apply them-

July,
1641,

‘ themselves integrally to *Ferdinand* of *Austria*, Duke of *Gratz*, a Prince
‘ not long since so poor, and of so mean a Consideration to add the weight
‘ of but one grain, to the down-Ballancing of the Affairs of Christen-
‘ dome, as his Name was scarce heard of.

‘ They find him a fit subject for them to work upon, having from his
‘ Cradle been bred up in an extreme hatred of the Protestant Party, who
‘ professed the Truth. They resound nothing into the Ears of the old Em-
‘ peror *Matthias*, but his Cousin *Ferdinand's* high merits; so as he
‘ passing by his own Natural Brothers, and the Head of his House, the
‘ *Spanish* King, Adopts *Ferdinand* of *Gratz* for his Son, so to prepare
‘ a way to make him the Successor of his Scepter, Crown and Pur-
‘ ple.

‘ Then were the Sacred Dyets of the Empire, the Ancient means to
‘ reconcile Differences, and prevent Jealousies, as often dissolved abor-
‘ tively as called insincerely. Rumours were spread of Practices and
‘ Designs against the Protestant Princes and Cities. And that those
‘ Rumours might not vanish in Smoak, the Liberties of the Great and
‘ Ancient City of *Strasburg* were oppressed. The Protestant Princes see-
‘ ing Materials and Engines on every side prepar'd for their Ruine, were
‘ necessitated to meet at *Heilburn*, and there to conclude an union
‘ amongst themselves.

‘ This gave the Jesuits an assured hope, of making *Germany* speedily
‘ miserable by a Calamitous War; for not only the Pontifician Princes,
‘ took the opportunity to settle a Catholique League, as they call'd it
‘ amongst themselves: But also the Elector of *Saxony*, like a true *Pseudo-*
‘ *Lutheran*, neither Protestant nor Papist, shews as good an Affection to
‘ the Catholic League, as the Evangelick Union.

‘ The old Emperor *Matthias* begins now to act his part, and the Je-
‘ suits spur on their ready Scholar *Ferdinand* of *Gratz*, to ascend the
‘ bloody Theatre they had so long designed him. Through the old Em-
‘ peror's intercession, abusing the *Bohemian* Protestants Credulity, with
‘ sugared Flatteries, and large Promises, he is admitted to the Crown of
‘ that rich Kingdom; which soon after made way for him unto the
‘ Crown of *Hungary* also. The Jesuits, and the *Spaniards* did now on-
‘ ly want a fair occasion to begin a War in *Germany*. The Emperour
‘ *Matthias* labours with the Protestant Princes, to dissolve their Union;
‘ which not taking effect, the Bishop of *Spiers* is encouraged underhand
‘ to pick a Quarrel with the Prince Elector Palatine, and to build a
‘ strong Fortres upon his neighbours Territories, pretending he had
‘ right to that Plot of Ground, upon which the said Fortres was rai-
‘ sed: But an higher Providence did not suffer this Spark to set *Germa-*
‘ *ny* on Fire, though it had been kindled at the Prince Elector's own
‘ door (to affront and provoke him) for he by an incredible celerity,
‘ did cause the said Fortres to be demolished, before the Enemy could
‘ fit, and furnish it for his intended use, which made him sit still and
‘ study for a new occasion, which that it might not be long wanting,
‘ the Liberties and Priviledges of the Protestants in *Bohemia*, contrary to
‘ their new King *Ferdinand's* Oath, were temerated; and by that means
‘ in the year 1619 the greater part of the Estates of that Kingdom were
‘ necessitated, after mature deliberation, to abdicate him, and to Elect
‘ *Frederick* Prince Elector Palatine for their King.

‘ And thus are we arrived at that sad period of time, upon which so
‘ many fatalities have ensued; in which we may see evidently, That

July,
1641.

‘ the Prince Elector Palatine was not causally guilty of any part of that
‘ Ocean of Blood, that hath been since spilt in *Germany*, as the Pontifi-
‘ cian side pretend he was.

‘ The Scene was long before prepared by the Enemies of the Truth ;
‘ and the Kingdom of *Bohemia* was filled with Arms and Hostilities di-
‘ vers Months, before his accepting of that Crown ; when himself la-
‘ boured by an earnest mediation, to have given a peaceable Issue to those
‘ bloody beginnings.

‘ It was the Honour and Greatness of that Matchless Princess that he
‘ gained here, and the considerable Succours they expected from hence,
‘ that especially drew the *Bohemians* to that Choice. It therefore con-
‘ cerns us now at length to provide, that the Prince Elector himself, and
‘ the other Princely Branches of that great Family (being the second
‘ without question, if not the first, and most Ancient of the Empire)
‘ extracted by their last match, from the Royal Line of Great *Britain*,
‘ should not under colour of their Father’s accepting that Crown, to
‘ which they now pretend no Title, be for ever despoiled of their An-
‘ cient Inheritance, and Electoral Dignity : To which Calamity they
‘ had never been reduced, had not the *French* King at that time for-
‘ gotten the old Maxime of his Predecessors, which was, To keep even
‘ the Ballance of *Germany* ; to which also did most fatally concur the
‘ Duke of *Bavaria*’s Ambition, betraying his own Blood ; and the Duke
‘ of *Saxony*’s taking Arms against the Evangelical Party. By this means,
‘ and the advancing of *Spinola* with the *Spanish* Army out of the *Nether-*
‘ *lands*, was not only the Kingdom of *Bohemia* lost in a few months,
‘ but the *Palatinate* also, excepting some few Places of strength, invest-
‘ ed by the Enemy, and that poor people left to slaughter, calamity,
‘ and desolation. The Correspondence of some ill Ministers of this
‘ State abroad, with those of Forreign States here, assisted by some
‘ fatal Instruments at home, furthered all this mischief, at the instant
‘ putting this State in hope of a match, when Supplies should rather
‘ have been sent from hence, to have preserved at least the Electoral Ter-
‘ ritories from an Invading Power.

‘ It is true, that the *Spanish* Match had been generally treated of
‘ some 5 or 6 years before this fatal Fire kindled in *Germany*, being first
‘ set on foot by the Duke of *Lerma* under *Philip* of *Austria*, late King
‘ of *Spain* : But now it was effectually advanced, and fortified with a
‘ conjoynd Treaty of accommodating the *Palatine* Cause, without effu-
‘ sion of Blood. This and much more appears in the Original Journal-
‘ Books of the Two Houses of Parliament in *Anno 21 Jacobi Regis*, which
‘ I have so far perused, as so short a time would give leave ; and though
‘ that matters are there set down at large, especially in the Records out
‘ of the House of Peers ; yet I have abstracted it into so narrow a com-
‘ pass, as may well sort with the little spare time of this House to hear
‘ it. The Relation was first made at *White-hall* during that Parliament,
‘ in the presence of the greater part of both the said Houses, on *Tuesday*
‘ *February 24*. And it was afterwards reported upon *Friday* the *27th*
‘ day of the same Month next ensuing, in the Lords House by the then
‘ Lord Keeper, and in the House of Commons by Sir *Richard Weston*,
‘ at that time Chancellor of the Exchequer. It is there at large set forth,
‘ That His Majesty’s Royal Father, having had several fair promises from
‘ the Emperour *Ferdinand* the Second, and the King of *Spain*, of a
‘ peaceable Restitution of the *Palatinate*, caused not only such conside-
‘ rable

July,
1641.

‘ rable Forces, as were then remaining in *Germany* under the Prince
 ‘ Elector’s Ensignes to disband; but procured also some Places of strength
 ‘ in the *Palatinate* it self, to be Surrendred, and Consigned over to the
 ‘ late Infanta of *Spain*. But in the year 1622. our late Royal Sove-
 ‘ reign King *James*, upon his Ambassadors return from *Bruxels*, having
 ‘ discovered the Emperors intentions to be full of insincerity and deceit;
 ‘ wrote his Princely Letters, bearing Date at *Hampton-Court* October 3.
 ‘ 1622. to the (then and still) Earl of *Bristol*, His Majesty’s Extraor-
 ‘ dinary Ambassadour in *Spain*; to let him know, That he now percei-
 ‘ ved little sincerity in all the *Spanish* King’s promises for the peaceable
 ‘ Restitution of the *Palatinate*, by whose only means he had suffered the
 ‘ same to be lost to the Emperor, and that therefore he should presently
 ‘ press that King, either to give a full and direct Answer under his Hand
 ‘ and Seal, for the Restitution thereof; or else to joyn his Armes with
 ‘ his Majesty against the Emperor for the Recovery of the same: But
 ‘ this matter as it further appears by the Original Journal-Books of the
 ‘ Lords House, being either not thoroughly pressed, or notably dis-
 ‘ sembled; so many delays ensued one upon the neck of another, as in
 ‘ the Issue it drew his Royal Majesty, then Prince of *Wales*, to under-
 ‘ take that dangerous and remote Journey unto that Nation, which hath
 ‘ been the long and hereditary Enemy of *England*. This Journey was
 ‘ chiefly undertaken by so great a Prince to add an end, one way or
 ‘ other, to that unfortunate Treaty; and his stay in *Spain* did causally
 ‘ proceed from his earnest desire to have effected a peaceable Restitution
 ‘ of the *Palatinate*; and therefore I doubt not but he shall now live to
 ‘ verifie that Excellent and Heroick Expression, which he made to the
 ‘ *Conde de Oilvarez* a little before his coming out of that Kingdom.

‘ *Look for neither Marriage nor Friendship, without the Restitution*
 ‘ *of the Palatinate.*

‘ And I assure my self, That the Force, and Power of *Great Britain*
 ‘ which was lately by subtil, and wicked Instruments, divided against it
 ‘ self, being now united in One again, will be able to Effect such Great,
 ‘ and Considerable Actions, as shall render his Majesties Name and Reign
 ‘ Glorious to all Posterity. The Two Houses of Parliament, at that
 ‘ time received the before-mentioned Declaration, with so much resent-
 ‘ ment, as having rendred Glory to God that had so seasonably discovered
 ‘ the *Spanish* Frauds, and next their humble acknowledgments to their
 ‘ then Gracious Sovereign, for requiring their Counsels in a business of so
 ‘ great Importance, they did unanimously advise him to break off the
 ‘ said two Treaties touching the Marriage, and the Restitution of the
 ‘ *Palatinate*; ingaging no Less than their Persons, and Purfes, for the
 ‘ Recovery of the then Prince Elector’s Ancient and Hereditary Domi-
 ‘ nions.

‘ It appears also in the Original Journal-Book of this House, *De Anno*
 ‘ *i. Caroli*, That this great Business was again taken into Consideration,
 ‘ but was finally intombed with other Matters of great Moment, by the
 ‘ fatal and abortive Dissolution of that Parliament. If therefore this Great
 ‘ Council of the Kingdom, did in those two former Parliaments, account
 ‘ the Restitution of this Illustrious and Princely Family to be of such
 ‘ great necessity for the preserving of True Religion abroad, and securing
 ‘ our selves at home, as to ingage themselves for an Assistance therein:

July,

1641.

‘ Certainly we may upon much better grounds, undertake the same now, when I assure my self we may go as far with a Thousand pounds for the present, as we could have done with Ten thousand at that time : for let us but take a short View of the Estate of Christendom, what it was then, and what it is now, and we shall easily perceive a great Alteration in the ballance thereof.

‘ In *France* where Monsieur *de Luynes* did then rule all, being himself acted by the Pope’s *Legate*, that King Contrary to the Examples of *Francis* the First, *Henry* the Second, and of *Henry* the Great his own Father, and Contrary to the Maxims, and Interest of that State, and his own Safety, advanced the Formidable Power and Spreading Greatness of the House of *Austria* : but now the same *French* King’s Eyes have been so opened, that shaking off that former unhappy Slumber he was in, he hath by his Arms and Power to his immortal Honour, and Glory, for divers years last past, endeavoured to restore again that Liberty to the *German* Empire, in the Ruin of which himself had so fatally before Concurred.

‘ The *Swedes* were then involved in several Wars, or Jealousies with the *Pole*, and inforced to keep at home to defend their own, but now have a strong Army, and possess divers Pieces of Important Consequence within the very Bowels of the Empire.

‘ The Episcopal Electors with the other Pontifical Princes and Prelates, the sworn Enemies of the Protestant Religion, were then Rich, and Potent, but since most of their Countries and Territories have tasted of the same Calamities of War, which they had formerly brought upon their Neighbours, so as now they are most of them scarce able to defend their own, much less to offend any other.

‘ The *Pseudo-Lutheran* Elector of *Saxony*, that is Causally guilty more than any other single person Living, of all those Calamities and Slaughters, which have for so many Years wasted *Germany*, and was then so Liberal of his Treasure, and so forward with his Arms to ancillate to the Emperor’s Designs, to the almost utter Subversion of the True Religion in *Germany*, is now after the reiterated temeration of his Faith and Promises, the Fatal Survivor of the several Devastations of his own Country, and Dominions : so as all those vast difficulties and great dangers, which might well have retarded the forwardness of those two former Parliaments, the first being held in the 22^d. Year of his Majesty’s Royal Father, and the Later in his Own first Year, being now removed, we have greater Encouragements, than ever, to Concur with our Sacred Sovereign in the Asserting of this his most Just, and Princely *Manifesto*.

‘ For mine own part, I expect no good Issue of the present Treaty at *Ratisbonne* : I know the Duke of *Bavaria*’s Ambition too well, ever to imagine that he will part with those Large Revenues, and much less with the *Septem-Viral* Dignity and Suffrage he hath obtained by the Prince Elector’s Calamity and Misfortune ; unless it be Extorted from him by force of Arms.

‘ My humble Advice therefore is, That we send up to the Lords, to desire a speedy Conference with them, in which we may acquaint their Lordships, how far we have proceeded in our Approbation of his Majesties most Royal *Manifesto*, and to move them to Concur with us therein.

After

After a long Debate, the House came to this Resolution :

Resolved, &c. That this House doth Approve of his Majesties Pious Intention in the behalf of his Royal Sister the Queen of Bohemia, and his Nephew the Prince Elector Palatine, and the rest of the Princes of that Family; and of the Publishing the Manifesto to that purpose, and this House will be ready to give his Majesty such Advice and Assistance therein by Parliament, as shall stand with the Honour of His Majesty, and the Interest and Affection of this Kingdom, if the present Treaty shall not succeed.

But these were only Words, and they were so far from giving his Majesty or the Electoral Family any Assistances, that having Encouraged the King of England to put out this *Manifesto*, and then failing him of all Assistances to make it good, they rendred Themselves, the *English Nation*, and the King himself Cheap in the Esteem of Forreign Nations; however, Mr. Pym was Ordered to go up to the Lords, to desire a Conference about it.

The House of Lords was turned into a Committee to debate the 4th Head brought from the House of Commons concerning the Queens Majesty, and the first Branch was agreed to.

To the Second Article, It was agreed to Joyn with the House of Commons to move the King, *That he will be pleased not to give his Consent to the same hereafter, it being against the Laws of this Kingdom.*

To the Third, concerning the Colledg of Capuchins at Denmark-House, agreed.

The 4th not now Resolved.

There was a Debate in the Commons House, concerning the Forreign Ambassadors entertaining and sheltering *Romish Priests* and *Jesuits*, Natives of his Majesties Dominions; upon which it came to this Vote,

Resolved, &c. That this House doth declare, That no Forreign Ambassador whatsoever ought to shelter or harbour any Popish Priest or Jesuit, that are Natives of the Kings Dominions, under pretence of being their Servants or otherwise. And the Committee for the 10 Propositions to his Majesty about his Journey, are to present this Declaration to the Lords Committee appointed to meet them, and to desire their Lordships to Joyn with this House to Petition his Majesty that this may accordingly be observed.

The Cessation was Voted to continue 14 dayes longer from Munday next.

The House then reassumed the Debate about Mr. Hollis and others Imprisoned and Fined 3 Car. and came to these Votes,

Resolved, &c. That Sir George Crook one of the Justices of the Kings Bench, is not Guilty of the delay in granting the Habeas Corpus to Mr. Hollis, &c.

Resolved, &c. That the continuance of Mr. Hollis &c. 3 Car. in Prison by the then Judges of the Kings Bench for not putting in Sureties for the Good Behaviour, was without Just or Legal Cause.

Resolved, &c. That the Exhibiting the Information against Mr Hollis, Sir John Eliot and Mr. Valentine in the Kings Bench being Members of Parliament and for matters done in Parliament, was a breach of Priviledge of Parliament.

Resolved, &c. That the Judgment given upon Nihil dicit against Mr. Hollis, Sir John Eliot and Mr. Valentine, and the Fines thereupon Imposed, and their several

July,

1641.

Vote about the Manifesto.

The further Debate of the 10 Propositions by the Lords.

Thursday, July 8.

Vote against Forreign Ambassadors Entertaining Romish Priests Natives of the Kings Dominions.

Cessation prolonged.

Further Votes about Mr. Hollis, &c. 3 Car.

July,

1641.

several Imprisonments thereupon was against the Law and the Priviledg of Parliament.

Resolved, &c. That the several proceedings against Mr. *Hollis*, Sir *John Eliot* and Mr. *Valentine*, by committing them and Prosecuting them in the Star-Chamber and the Kings Bench is a Grievance.

Resolved, &c. That Mr. *Hollis*, Mr. *Strode*, Mr. *Valentine*, Mr. *Long*, and the Heirs and Executors of Sir *John Eliot*, Sir *Miles Hobart* and Mr. *Peter Heyman* respectively, ought to have reparation for their respective Damages and Sufferings, against the Lords and others of the Council by whose means they were apprehended and committed, against the Council that put their Hands to the Information in the Star-Chamber and the Judges of the Kings Bench.

Resolved, &c. That Mr. *Laurence Whittacre* being a Member of the Parliament, 3 Car. and entring into the Chamber of Sir *John Eliot*, being likewise a Member of that Parliament, searching of his Trunk and Papers and Sealing of them, is Guilty of the Breach of Priviledg of Parliament, this being done before the dissolution of the Parliament.

Resolved, &c. That Mr. *Laurence Whittacre* being guilty of the Breach of the Priviledg of Parliament as aforesaid, shall be sent forthwith to the Tower, there to remain a Prisoner during the Pleasure of the House.

Mr. *Laurence Whittacre* sent to the Tower for Breach of Privilege, 3 Car.

Whereupon Mr. *Whittacre* being called down, and kneeling at the Bar, Mr. *Speaker* pronounced this Sentence against him.

Mr. *Whittacre* then desired permission of the House to speak for himself, which being granted, he said, That he did freely confess the matter of Fact, and that he should not endeavour to extenuate it by the Confusion of the times, but that he had only this to plead in mitigation of the Sentence; that it was an Error committed so long ago, being now 13 years since; and that he was commanded to do what he did by Warrant from the King himself, and three and Twenty Privy Counsellors.

But all this availed him nothing, for he was immediately sent to the Tower.

Now for the Readers satisfaction, and that he may have a clear understanding of this affair, it will, I think, not be unacceptable to present him with these following Papers relating to this affair.

There were several Questions proposed to the three Chief Judges, to which they gave these Answers.

Quere I. **W**Hether a Parliament Man, offending the King Criminally, or Contemptuously in the Parliament House (and not then punished) may not be punished out of Parliament?

Answer, "We conceive, That if a Parliament Man, exceeding the Priviledge of Parliament, do Criminally, or Contemptuously offend the King in the Parliament House (and not there punished) may be punished out of Parliament.

Quere II. Whether the King, as he hath the power of Calling and Dissolving a Parliament, have not also an absolute power to cause it to be Adjourned at his pleasure?

Answer, "We conceive, That the King hath the Power of Commanding of Adjournments of Parliaments, as well as of Calling, Prorogueing and Dissolving of Parliaments: But for the manner thereof, or the more particular Answer to this, and the next subsequent Question, we refer our selves to the Precedents of both Houses.

Quere III.

There solutions of the Three Chief Judges about matters in the Parliament, 3 Car.

July,
1641.

Quere III. *Whether, if the King do Command an Adjournment to be made, he hath not also power to Command all further proceedings in Parliament to cease at that time.*

Quere IV. *Whether it be not a high Contempt in a Member of the House, contrary to the King's expresse Commandment, Contemptuously to oppose the Adjournment?*

Answer, "The King's expresse Commandment being signified for an Adjournment, if any after that shall Tumultuously oppose it, further, or otherwise then the Priviledge of the House will Warrant, This we conceive to be a great Contempt.

Quere V. *Whether, if a few Parliament-Men do Conspire together, to stir up ill Affections in the People, against the King, and the Government, and to leave the Parliament with such a loose, and by words or writings put it in Execution, and this not punished in Parliament, it be an offence punishable out of Parliament?*

Answer, "We conceive this Offence to be punishable out of Parliament.

Quere VI. *Whether, if some Parliament-Men shall Conspire together to publish Papers containing false and scandalous Rumors, against the Lords of the Privy Council, or any one or more of them, not to the end to Question them in a Legal or Parliamentary way, but to bring them into Hatred of the People, and the Government into Contempt, and to make Discord between the Lords and Commons; Is not this an offence punishable out of Parliament?*

Answer, "We conceive this also to be an Offence punishable out of Parliament.

Quere VII. *If Two or Three or more of the Parliament shall Conspire to defame the King's Government, and to deter his Subjects from Obeying or Assisting the King, Of what nature this Offence is?*

Answer, "The Nature and Quality of this Offence will be greater or lesser, as the Circumstances shall fall out, upon the Truth of the Fact.

Quere VIII. *Can any Priviledge of the House Warrant a Tumultuous Proceeding?*

Answer, "We humbly conceive, That an earnest, though a disorderly, and confused proceeding in such a Multitude, may be called Tumultuous, and yet the Priviledge of the House may Warrant it.

"We in all humbleness are willing to satisfie Your Majesties Command, but until the Particulars of the Fact do appear, we can give no directer Answers then before.

And particularly as to the Second Quere about the King's Power of Adjourning as well as Calling and Dissolving of Parliaments, these following Parliamentary Precedents were given in.

July,

1641.

Parliamentary
Presidents a-
bout Adjourn-
ments by the
King.

Mercur. 4. Aprilis, 1. Jac. Seff. 1.

Mr. Speaker pronounceth His Majesties Pleasure of Adjourning the House, till 11th. of April, (and it was so done.)

Jovis 18. Dec. 1606.

The Lords by their Messengers signified the King's Pleasure, that the Session should be Adjourned till the 10th of February following.

Upon this Message Mr. Speaker Adjourned the House according to His Majesties said Pleasure.

Martis 31. Martii 1607.

The Speaker delivered the King's Pleasure, that the House should be Adjourned, till Munday 20. April following.

Mercurii 20. Maii 1607.

Mr. Speaker signified the King's Pleasure about Nine a Clock to Adjourn the House till the 27th of the same Month.

And 27th of May, he being Challenged for Adjourning without the Privy of the House, he excuseth it, and saith, as the House had power to Adjourn themselves, so the King had a Superior Power, and by His Command he did it.

Veneris 30 Martii 1610.

His Majestie's Pleasure to Adjourn from Tuesday till Munday Sevennight.

11. July.

The King by Commission Adjourneth the Lords House. Messengers sent to the Commons. They send by Messengers of their own to the Lords, that they use to Adjourn themselves.

The Commission is sent down, Mr. Speaker Adjourneth the House till the first of August.

26. Febr. 4. Car.

Mr. Speaker signifieth His Majestie's Pleasure, that the House be presently Adjourned till Munday next, and in the mean time all Committees and other proceedings to cease.

And thereupon Mr. Speaker in the Name of the House Adjourned the same accordingly.

And for a short Account of this Affair, take this out of Crook's Reports.

Cro. 3. Part, The King versus Sir John Elliot, Denzill Hollis, and Benjamin Valentine, fol. 181. Hill. Term. 5 Car.

Sir John Elliot's Case, &c. about the business 3 Car. out of Crook's Reports.

AN Information was exhibited against Sir John Elliot, Denzil Hollis and Benjamin Valentine by the Attorney General, &c. To which the Defendants appearing, pleaded to the Jurisdiction of the Court, That the Court ought not to have Conusance thereof, because it is for Offences done in Parliament, and ought to be there Examined, and Punished, and not elsewhere: It was thereupon demurred, and after Argument adjudged, That they ought to Answer: for the Charge is for Conspiracy, Seditious Acts, and Practices, to stop the Adjournment of Parliament, which may be examined out of Parliament, being Seditious and Unlawful Acts, and this Court may take Conusance and punish them.

Afterwards divers Rules being given to Plead, and they refusing, Judgment was given against them, viz. Against Sir John Elliot, that he should be committed to the Tower, and should pay Two Thousand Pounds Fine, and upon his Inlargement should find Sureties for his Good Behavior. And against Hollis, That

That he should pay a Thousand Marks, and should be Imprisoned and find Sureties, &c. And against *Valentine*, That he should pay Five Hundred Pound Fine, be Imprisoned and find Sureties.

July,
1641.

Note, That afterward in the Parliament 17 Car. It was resolved by the House of Commons, That they should have Recompence for their Damages, Losses, Imprisonments, and Sufferings sustained for the Services of the Commonwealth, in Parliament of 3 Car.

Note, In the Session of Parliament Anno 19 & 20 Car. 2. a Motion was made by a Commoner to have this, and some other like Resolutions expunged out of our Law-Books, that Students might not be poisoned therewith, and a Committee was accordingly appointed to inspect them.

And accordingly upon Report made by Mr. *Vaughan* from the Committee about freedom of Speech in Parliament, it was Resolved among other Votes,

That the Judgment given 5 Car. against Sir John Elliot, &c. in the Kings-Bench is an Illegal Judgment, and against the Freedom and Priviledg of Parliament. The Concurrence of the Lords was desired, and their Lordships Concurred with the Commoners.

Upon the Petition of Commissary *Wilmot*, and Colonel *Ashburnham*, it was

Commissary
Wilmot and
Colonel *Ash-*
burnham Bail-
ed.

Resolved, &c. That Commissary *Wilmot*, and Colonel *Ashburnham* shall be bailed in the same manner that Captain *Pollard* was.

Resolved &c. That a Warrant shall issue under Mr. Speaker's hand to the Lieutenant of the Tower to deliver them into the Serjeant's hand.

It was further Ordered, That Colonel *Goring*, Commissary *Wilmot*, and Colonel *Ashburnham*, shall not offer any violence one to another; Colonel *Goring* being present in the House, promised to observe the Injunction, and Commissary *Wilmot* and Colonel *Ashburnham*, were ordered to give satisfaction to the House under their hands, that they will observe this Command of the House.

Upon his Petition it was likewise Ordered, That Mr. *William Davenant* should be bailed upon such Security as the House shall allow of.

Mr. *William*
Davenant
Bailed.

Dudley Smith Esq; and *William Champneys* Esq; Sewers to the King, were also admitted to Bail, 2000 l. the Principals, and 1000 l. the Sureties.

William Williams was this day called in to Answer the Breach of Priviledge committed in entring upon the Freehold of the Lord Bishop of *Lincoln*, and disquieting the possession of his Lordships Lands in *Carnarvan-shire*.

Breach of Pri-
viledge.

The said *Williams* confess'd, he had entred upon the Lands of the Lord Bishop of *Lincoln* at May last was Twelve Months. The House thought fit to Release him upon Bail.

Then

Johannes Maynard Mil' *Balniae*, Recogn' se debere Domino Regi ducent' libras, levare ad usum Domini Regis, ex Terris, Tenementis & Catallis.

Single Bail ta-
ken in the
Lords House.

"The Condition of the abovesaid Recognizance is, That if *William Williams* shall appear before the Lords in Parliament, and abide the Order of Parliament, then this Recognizance is void, or else it is to remain in full Power and Force.

This day there was a Conference between the Lords and Commons concerning the Case of the *Palatinate* and the King's *Manifesto*, at which Mr. *Denzil Hollis* made this following Speech.

Friday,
July 9.

July,

1641.

Mr. Denzil Hol-
lis his Speech
about the Pa-
latinate July
9. 1641.

My Lords,

THe Knights, Citizens, and Burgeses of the House of Commons, have commanded me to let your Lordships know, that they have taken into their serious Consideration, His Majesties Proposal unto them of the *Manifesto*, in which he is graciously Pleased to declare his Pious Intentions concerning his Royal Sister, the Prince *Palatine* her Son, and the rest of the Electoral Family.

They do with all Humbleness acknowledg His Majesties Favor, in communicating unto them any part of His Royal Thoughts, and asking their Advice and Counsel, in a Business that doth so neerly concern Him; as needs must the Happiness, nay the Subsistence of these Distressed Princes, of so Glorious an Extraction, their Veins being enriched with the same Blood that is from so Royal Ancestors, derived with Glory into his Sacred Person.

And in that Relation, the House of Commons looks upon them with an Eye of Tendernefs, wishing that every drop of that Princely Blood, may ever be illustrated with Honor and Happiness: That His Majesty may be Crowned with this Blessing, To see nothing but Glory in himself, and in all that belong unto him.

To hear then, that these Princes, so nearly allyed unto the King, should suffer that which is so unworthy of them, instead of Honor, of Greatness, to find Oppression, instead of a Fortune answerable to their Birth and Relation, to have their ancient Patrimony torn from them, and detained by a Hand of Violence, is a Thing, which makes our Ears to tingle, and our Hearts to rise within us.

My Lords, The Loyal Subject of *England*, is so well tuned in a sweet agreeing Harmony, to the Person of his Prince, that he is affected with the least Touch upon any part of the Princely String, and Answers it instantly with a Sound proportionable; If it be Good, and Pleasant, with Joy, and Exultation, if harsh and displeasing, with Sorrow and Lamentation; but a Sorrow not Womanish and Effeminate, but accompanied with Indignation, and vigorous magnanimous Resolution, to be avenged upon whosoever dare give Offence to our Royal Sovereign.

This then is enough to make us zealous, for the Redress of the Prince Electors Wrongs, to desire (with impatience) to see him reinvested in his rightful Possessions, were there nothing else to move us to it, but our Love and Affection, and our Duty to the King.

But, *My Lords*, There is yet another Motive, which hath a strong irresistible Operation with us; and it is the consideration, how much this is of Importance to the good of Religion, the advancement of the Protestant party, and the redeeming many Souls from their Anti-Christian Bondage, which hath a double Aspect; and relates to us, not only as we are Fellow-Members with them of the true Church, which obliges us to a Care and Defence of them, and gives us an assurance of a Reward in Heaven: But doth more particularly concern us in point of Policy and Reason of State, by supporting our Allies, to advance this Kingdom to the highest pitch of Greatness and Reputation, to make us formidable abroad to the Enemies of our Church and State, and so enjoy Peace and Safety, and Tranquillity at Home.

For *My Lords*, The Protestant Religion and this Kingdom, are like *Hippocrates's* Twins, that must both Live, and Die together.

It is madness to think this State can subsist, if Religion be subverted; and as great a madness to think our Religion can continue here, if we suffer it to be destroyed, and eradicated out of our Neighbour Countries; which can no more be (that is, our Religion and this Kingdom be preserved,) when our Neighbours of the same Religion and Belief with us be consumed, then a Fort can hold out, when all the Out-Works be taken, or the Heart preserved, when a Gangrene hath seized on the outward Parts of the Body.

My Lords, As the true Religion is in the Truth, the Heart of *England*, which gives it Life, and makes it flourish with Strength and Power; so is *England* (in Politick Respect) the Heart of the Protestant Religion in all the other

ther Parts of *Christendom*; and upon Occasion, must send out Supply into all the Neighbouring Countries, professing the same Religion with it; which (to be themselves in safety) must be under the Protection of this Fort, under Contribution to this Garrison.

And on the other side, if these Countries be one after another, Invaded and Possessed by the Enemies of Religion, that great Tye of Religion between us, and those Bonds be Dissolved, which only can Unite and Strengthen our mutual Affections, and Relations; as if they get one Part, their Appetite will increase soon to swallow up another.

First, The *Palatinate*; then the other Parts of *Germany*; afterwards the *Low Countries*; and then, Let us think in what Condition *England* will stand? It will be left as a Cottage in a Vineyard; as a Lodg in a Garden of Cucumbers; as a besieged City, when all the Defences are gone, it will soon fall to be a Prey to the Enemy.

My Lords, This Consideration likewise works with the Commons of *England*, and as the Wise-Man is to have his Eyes in his Head, and look before him; so they do look before them, and had rather see this Evil met half-way, then stay till it come to them, rather see the eating Gangrene of the *Austrian* Ambition stop'd in *Germany*, then tarry till it seize upon the Vital Parts of this Island, and the death of Religion inevitably follow.

Sir Benjamin Rudyard also at a Committee of the whole House, Mr. Whitlock being in the Chair, spoke to this business as follows.

Master Whitlock,

IF we may do the Prince Elector good by our good word, I hope we shall not stick to afford it him. A word spoken in due Season is worth more then Gold and Silver at an other time.

His Majestie's Ambassador is now at the Dyet at *Ratisbon*, where the Emperor and other Princes are by Friendly Treaties endeavouring to make up the Breaches of *Germany*. If this opportunity be omitted, His Highness's Affairs will be exceedingly cast behind-hand.

It is true, that our Treaties heretofore have not been prosperous; the reason hath been, because of the unhappy distance between the King and His People, which brought a Disvalue upon this Kingdom abroad. But now, when the World shall take notice of the good understanding between His Majesty and His Subjects, by an earnest and solemn joyning of the whole Parliament with His Majestie's Declaration, the Propositions coming from hence, will carry with them more Weight, more Authority; which is the way to redeem our engagement at an easie rate, to save those great charges which some do so much fear.

If we should be backward in this great work, we shall cancel the obligations of Nature, of Honour, of Reason, of State, of Religion which bind us to it.

Wherefore, Master Whitlock, my humble Motion is, That we may draw up a short and round *Manifesto* to wait upon and affirm the Kings Declaration, to be still managed by Advice of Parliament, which will be safe for our selves, more powerful and effectual for the Prince Elector.

I cannot tell what the present Age thought of it, and account it one of the greatest blessings of Heaven that I was not then capable of thinking; but certainly Posterity will see by this Speech a most notorious and manifest Collusion in these People, who, notwithstanding all the glorious pretences and zeal for this deplorable Family, in which the Honour and Interest of the King and Nation were, by their own Confession, so deeply concerned, yet never intended any more assistance to this distressed Protestant Prince, then a few good and great words, which was a cheap way, and still reserving to themselves a starting hole, to assist the King in this Affair only so long as he would follow their advice.

July,
1641.

Sir Benjamin
Rudyard's
Speech at a
Committee of
the whole
House about
the *Palatinate*
July 9. 1641.

July,

1641.

Votes concerning the Bill for abolishing Episcopacy.

Mr. *Hide* Reports the Results upon the Bill for abolishing Episcopacy, whereupon it was

Resolved, &c. That all the Lands, Possessions and Rights of the Deans, Deans and Chapters, shall be committed to the hands of Feoffees to be nominated by this Bill.

Resolved, &c. That the Lands and Possessions of the Arch-Bishops and Bishops of England and Wales, except Improvements and Advowsons, shall by this Bill be given to the King.

Resolved, &c. That the Improvements and Advowsons belonging to the Arch-Bishops and Bishops of England and Wales, shall be committed to the hands of Feoffees in the same manner as the Lands of Deans and Chapters are appointed to be.

And because the Prelates and Papists were to be coupled together in the Opinions of these People both in Guilt and Sufferings, it was by Vote

Vote against Papists.

Resolved, &c. That the Committee of 48 propound to the Select Committee of the Lords, that no Papist hereafter may have the keeping of any Castle, Fort, Chase, Forrest, Park or Walk within England or Wales; and that such as are in possession of such Castles, &c. As aforesaid, may be outed thereof according to Law.

Post Meridiem,

Order about Mr. Randal a Minister formerly ordered to Bedlam.

It was Ordered by the Commons, *That one Mr. Randal a Minister, now in the Goal at Ailesbury in the County of Bucks, for words spoken against the Honour of this House, who was by a former Order appointed to be removed from thence to Bedlam; it is now Ordered that the said Mr. Randal shall be discharged and set at liberty presently upon the sight hereof.*

Saturday, July 10.

Further Votes about the Bill for abolishing Episcopacy.

The further Debate upon Mr. *Hide's* Report about the Bill for abolishing Episcopacy, was this day reassumed, whereupon it was

Resolved, &c. That a competent Maintenance shall be allowed out of the Lands and Possessions of the Cathedral Churches, for the support of a fit number of Preaching Ministers for the Service of every such Church, and a proportionable allowance for the Reparation of the said Churches.

Resolved, &c. That such Ecclesiastical Power as shall be Exercised for the Government of the Church, shall be transferred by this Act unto the hands of Commissioners to be named by this Act. The further consideration of this matter to be referred till Monday 9 of the Clock.

Bill for Tonnage and Poundage being passed, Mr. Solicitor was ordered to carry it up to the Lords, and to move their Lordships, that the Royal Assent may be had with as much speed as may be, and to move the Lords to expedite the Bill against Pluralities, and for disarming Recusants.

Breach of Privilege giving the Lye to a Peer.

This day *Thomas Pain* the Attorney, that gave the ill Language to the Earl of *Thannet*, who charged the said *Pain* with some Words which were reported to be spoken by him; he told the said Earl, *That it was False and a Lye* divers times together, which being proved upon Oath, it was Ordered, *That the said Pain be committed to the Custody of the Gentleman-Usher for the present, and this House will take the misdemeanor into further consideration.*

Report of the Conference about the Ten Heads.

The Earl of *Bristol* reported the effect of the last meeting with the Select Committee of both Houses, concerning the 10 Heads, and delivered

vered some Queries and Propositions which the House of Commons made, viz.

July,
1641.

Whether the Colledge of Capuchins at *Somerset-House* should be sent away out of this Kingdom? for they are conceived to be busie Men in giving Intelligence to Forreign States, and the House of Commons are induced to believe so, because they understand, That the Letters of the Capuchins which were Imported and Exported in one Week came to 3*l.* 10*s.* the Carriage.

Next they conceive, That there are some things contained in the Articles of Treaty of Marriage with *France*, which are contrary to Law.

Concerning the Education of the Prince, they said they would consult further of it.

Concerning Licenses granted to Recusants, They desire His Majesty may be moved, that none may be granted hereafter.

Concerning the removing of the Popish Recusant Ladies from the Court, they say they mentioned no particulars, but spoke in the General.

Concerning Pensions, They desire that the King may be moved, That no Papist beyond the Seas may have any Pension.

Touching that which concerns the Queen they conceive they have had no full answer yet.

Concerning their Explanation who are Active Papists, they mean those Recusants that are Rich and have most Power in the Countries where they Live, as well Peers as others, which they desire may be disarmed according to Law.

Concerning the Popes Nuncio, they say the House of Commons are preparing a Bill Concerning the Lord Lieutenants and Deputy Lieutenants considering the State of this Kingdom as it now stands, the House of Commons desires they may be such Persons as both Houses approve of, and that they may be enabled the more for the defence of this Kingdom, there will be a Course taken for Supplying them with Monies out of the Subsidies, and the House of Commons desires that the King may be moved to let them have such Powder out of His Majesties Stores as may be spared, and they will pay after the Rate of ten Pence per Pound for it as soon as they can get money: and further to move His Majesty that the Arms which have been taken from the several Counties may be restored to them, and if His Majesty can spare any Arms out of His Store, they will buy them to furnish these Southern parts.

The new Bill for Tonnage and Poundage being read the Third time in the Lords House, and being put to the Question, It was Resolved to pass as a Law, *Nemine Contradicente*.

UPON Report this Day made unto the House from the Lords Committees for Petitions, That *William Walter* was complained of by the Petition of *Elizabeth Walter* his Wife, for refusing to Co-habit with her, or allow her and her 3 Children Maintenance, and Supportation for their Lively-hoods, although he hath a Good and a Plentiful Estate, It was thought fit and so ordered, by the Lords in Parliament, That the said *William Walter* shall settle Lands and Tenements cleared from all former Incumbrances other then Leases, whereupon the usual Rent is reserved lying in the County of *Pembroke*, upon such Trustees as the said Mrs. *Walter* shall Nominate, to the use of her self and her said 3 Children, during the time of her Life.

And Mr. Justice *Foster*, and Mr Justice *Heath*'s assistance to the said Lords Committees for Petitions, are hereby desired by the Lords in Parliament, to direct the Counsel of the said Mrs. *Walter* what security shall be taken in or out of the Premises, and how and in what manner an Estate of and in the Lands and Tenements, or Tithes of the said *William Walter* shall be settled or charged and chargeable with the payment of sixty Pounds per An. to the use of the said Mrs. *Walter* and her 3 Children, the first payment whereof to begin at *Michaelmas* next ensuing the Date hereof: And in Case the said Mr. *Walter*'s Estate shall encrease by the Death of his Mother or Grandmother or otherwise, it is their Lordships pleasure

Another Bill for Tonnage and Poundage passed the Lords House. An Order of the Lords for Relief of a Feme-Covert and her Children, against a Husband refusing to Co-habit, July 12: 1641.

July,

1641.

An Order of the Lords concerning a Vicaridge in Sir Peter Osborn's Case Plaintiff, against Thomas Joyce Clerk, July 12. 1641.

Pleasure that the Moiety of the same as it shall fall and accrew to him, shall be settled and paid unto the said Feoffees to the use of the said Mrs. *Walter* and her 3 Children as aforesaid by the Advice of the Judges aforesaid.

And further, that if the said *William Walter* shall refuse or delay by the space of a Month next ensuing, to make such settlement in manner as aforesaid, then it is their Lordships Pleasure, that a Sequestration shall be awarded to such Person or Persons as the said Mrs. *Walter* shall nominate, to take and receive so much of the Yearly Rent and Profits of the said Lands and Tenements of the said *William Walter* as shall amount to such proportions and allowances as aforesaid, to be answered to the said Mrs. *Walter* or her Assigns half Yearly for the uses aforesaid.

UPon Report this Day made unto the House from the Lords Committees, for Petitions in the Cause of Sir *Peter Osborn* Knight Plaintiff, and *Thomas Joyce* Clerk, it appeared unto their Lordships, That Sir *John Osborn* Knight deceased, Father of the said Sir *Peter*, was seized in Fee of the Rectory of *Hawnes* in the County of *Bedford*, to which the Advowson of the Vicaridge did consist only of eight Pounds per Ann. stipend; That the said Sir *John Osborn* did in the 9th Year of King *James*, convey the Inheritance of the said Rectory and Vicaridge, together with a new House built upon his own Land, to the now Bishop of *Durham*, Sir *Thomas Cheek* and others, for the Increase of Maintenance of such Vicar or Vicars, as should be nominated by the said Sir *John* or his Heirs.

But before the Gift, Sir *John* puts in Mr. *Brightman*, and Mr. *Wilson* successively, who enjoyed the said House and Tythes, and after the Gift, nominated Mr. *Sherley* who was only Licensed by the Bishop, but never Instituted or Inducted: After the Death of the said Mr. *Sherley*, the said Sir *Peter Osborn* nominated Mr. *Buckley* who was Licensed by the Bishop, without being instituted or Inducted, the Defendant *Joyce* obtains a Presentation by *Lapse*, and gained a Decree in Chancery for the Rectory House and Tythes; against which Decree Sir *Peter Osborn* objected, that the Donor intended the said Rectory to him only, that was to be nominated by himself or his Heirs, and could not intend it to any that came in by *Lapse*, it being then in *Lapse* when his Gift was made, which was denied by the Defendant, and affirmed that it was intended to the Incumbent whoever he was, otherwise the Charity of the Donor would be overthrown. Whereupon the Decree and Deed of the said Sir *John Osborn* was produced and read before the said Lords Committees, who after long Debate by Council on both Sides were fully satisfied, That the Donor intended it to none, but such as should come in by the Nomination of him or his Heirs;

Whereupon it is Ordered and Adjudged by the Lords in Parliament, That the said Lay Fee Rectory and House, together with all the said Donors Gift, settled by the said Deed, shall by virtue of this Order go to such Clergy-Man, or Men as the said Sir *Peter Osborne*, and his Heirs shall Nominate and Appoint, according to the meaning of the said Donor and no other. And that the Defendant *Joyce* that came into the Vicaridge by *Lapse*, shall have no Advantage of the Gift so made by Sir *John Osborne*; but shall forthwith upon Notice hereof relinquish the same, and shall also Answer to the Feoffees, for all the Profits of the said House and Rectory by him taken ever since the said Decree; and if the said Defendant *Joyce* conceives he hath any Right, he is left to try the same at the Common Law, without taking any advantage of the said Decree, or of any thing done by Sir *Peter Osborne* in Obedience to the said Decree.

A Message was brought from the House of Commons by Sir Henry Vane Junior, to desire that the Bill for Tonnage and Poundage, may be delivered unto them, to be brought up and presented by their Speaker, with the Commission under the Great Seal annexed.

Message from the Commons about the Bill of Tonnage and Poundage.

THeir Lordships taking this into Consideration, and perusing the Commission found by the Tenor of the said Commission, that the Bill of Tonnage and Poundage could not pass the Royal Assent, by virtue of this Commission, if they were

were separated, therefore to avoid all Ambiguities, Resolved to send some Lords, to desire His Majesty would be pleased to come in Person to give the Royal Assent to the said Bill.

Hereupon the E. Bath, E. Essex, E. Cambridge, E. Bristol, went presently to attend his Majesty therein, who brought this Answer, *That the King will be here presently.*

His Majesty being come and satt in the Chair of State, the Commons were sent for, who came, and by their *Speaker* presented the Bill for *Tonnage and Poundage*; then the Clerk of the Crown read the Title of the said Bill, and the Clerk of the Parliament pronounced the Royal Assent thereunto in these words,

*Le Roy remerciant ses bons Subjects accepte
Leur Benevolence et ainsi le veult.*

It was this day Ordered in the Commons House, *That in all Parochial Churches of England and Wales where there is on the Lords Day no Preaching in the Afternoon, if the Ministers will maintain a Conformable Lecturer at their own Charge, the Parson or Vicar shall give way to it, unless he will Preach himself.*

Ordered, *That this House doth Assent, That the Speaker of the House of Lords, shall present unto his Majesty in the Name of both Houses, the humble Advice of both Houses concerning the Manifesto.*

His Majesty having appointed both Houses to attend him at the Banqueting-House in *Whitehall* at Three of the Clock in the Afternoon, they accordingly attended, where the *Manifesto* and the Parliaments proceedings upon it were read, which were as follows:

“ **C** H A R L E S, By the Grace of God, King of Great Britain,
“ *France, and Ireland, Defender of the Faith, &c.* To all to whom
“ this present *Manifesto* shall come, Greeting.

“ **T** O the end that the Endeavours of Our late Dear Father, King
“ *James*, of Blessed Memory, and Our Own Proceedings since his
“ Death, in the Cause of Our Dear and Onely Sister, Brother in Law,
“ and Nephews, Electors and Princes *Palatine* of the *Rhine* may not be
“ forgotten, or pretendedly unknown, wherein We have studied and
“ laboured nothing more than Peace of Christendom, and the avoiding
“ the effusion of Innocent Blood, by seeking the Restitution and Re-
“ Establishment of the Electoral House *Palatine*, in their Ancient Rights,
“ Dignities, and Possessions within the Empire, out of which they have
“ been by Violence, and Force of Arms, and other undue Proceedings,
“ expelled and banished, contrary to the Ancient Laws and Constitu-
“ tions of the Sacred Empire; We have thought fit, for the Vindication
“ of Our Own Honour, to call to mind, and to publish to all the World,
“ both a Summary Relation of Our Actions and Endeavours past, and
“ Our present Resolutions in the same Cause.

“ **I** T cannot be unknown to all the Princes and Estates of *Europe*, and
“ more particularly to those who have had any interest or relation
“ to the Publick Affairs of *Germany*, how both Our Self, and Our Father,
“ have

July,
1641.

Bill for Ton-
nage and Poun-
dage passed
the Royal As-
sent.

Munday,
July 12.
Order for Af-
ternoon Ser-
mons in all
Parochial
Churches.

The King's
Manifesto
about the
Palatinats.

July,
1641.

“ have, during these Twenty Years past, by many and several Ambassadors, Treaties, and other Negotiations, to Our great Expence and Charges, both with the late Emperour *Ferdinand*, the King of *Spain*, and other Princes and Estates of the Empire, endeavoured by all Friendly and Treatable means, to procure the Restitution and Re-Establishment of Our said Dear Sister, Brother-in-Law, and Nephews, in their Ancient Rights and Possessions, as the only and possible way to settle a good and firm Peace in the Empire, and consequently with all Princes interested therein; without which it is impossible to expect or hope for a good, durable and honest Pacification of those Troubles which have already, almost, rent and consumed, and involved all the Princes of Christendome in a most Bloody and Destructive War.

“ And for a clear Demonstration of Our sincere Intentions, not only Our own Pious Inclination, and Care of the Publick Peace, hath induced Us to omit divers Occasions, whereby we might by such Power as God hath put into Our Hands, have prevented the Violences and Oppressions used to Our said Sister and Nephews. But We have been led on, and invited thereunto by divers Promises, Assurances and Reversal Letters, both from the late Emperor and King of *Spain*, and other Usurpers of the Inheritance of the Electoral House *Palatine*, that they would at last in Contemplation of Our Mediation, hearken and incline to a Just and Honest Peace, by the Restitution of the Estates and Dignities of Our dear Sister and Nephews, whereby we have been drawn, not only to pass by Our own, and the Publick Interest, and to forbear to Engage Our Arms in so just a Cause, but also have procured by Our Fathers, and Our Authority, the withdrawing and disbanding of the Forces of Count *Mansfelt* out of the *Palatinate*, and advanced divers Truces and Cessations of Hostility or Defence, only to prepare the Way of amiable Composition, according to the Hopes and Promises to that end given Us, and particularly have caused the Surrender and Deposition of some Places of Strength, into the Hands of the late *Infanta* of *Spain*, upon reciprocal Assurances of a final Pacification or Restitution.

“ But what Effects all these Our Peaceable and Christian Endeavours have produced, and how all Our Pious Negotiations have been either delayed or deluded; thereby and by process of Time, to root and Establish the Usurpations of the House *Palatine*; and Our Patience and Piety thereby abused, is so manifest by the continual Oppression of Our said dear Sister and Nephews; that We are forced to Protest that there hath nothing succeeded either to Our Desires, or Hopes, but a Resolution of Despair of ever obtaining by the Ways of Justice, Treaty, or Amity, that which hath been so often promised to, and expected of the Lovers of Christian Peace.

“ Notwithstanding We having lately received Advice from Our dear Uncle, the King of *Denmark*, that at last by his Mediation and Procurement, the present Emperour and Duke of *Bavaria*, have descended to a Treaty, to be held at the Diet at *Ratisbone*, upon the sixth Day of *May* last past, for the Reviewing and the Resetling of the Controversies of the House *Palatine*, as a Preparation and Inducement to a General Peace and Amnestia through the whole Empire; And that he with some of the Electors of the Empire, is accepted as Mediator of the said Cause, and hath received strong and pregnant Assurances of a better Inclination and Disposition toward the

July,
1641.

“the re-establishment of the Electoral Family in their Rights and Dignities; And to that end hath procured convenient safe Conduct from the Emperor, to Our Nephew and His Brethren, freely to come in Person, or to send their Deputies to that Diet at the Time and Place appointed; with all other Clauses requisite for their Safeties, Going, Abiding or Coming from thence; and there to plead the Justice of their own Cause: and that in Prosecution thereof, he hath Instructed and Dispatched His Ambassadors to assist either in Person, or by the Deputies of Our Nephews at the said Treaty of Pacification; and hath desired Us herein, to Comply with him, by sending Our Ambassadors Qualified and Instructed to the same Purpose of procuring a Good and Setled Peace within the Empire, according to the Intimation of the Princes Electors signified to Him by their Letters, thereby desiring Us to Assist in the present Assembly at *Ratisbone*.

“To which end, Our Nephew the Prince Elector *Palatine*, having resolved by Our Counsell and Advice, to send his Deputies according to the Invitation and Hopes, intimated of a good Issue to be expected by the amiable way of Treaty and Composure.

“We have also thought fit not to be wanting to so good a Design, so concurrent to Our own, and the Desires of so many Princes, and in some Hope of better Fruits then hitherto all Our Endeavours have produced; Have resolved to make this Our last Tryal by the way of Treaties, and to send Our Ambassador to the Emperor, and other Princes in the said Diet Assembled: And to that purpose have given him full Power and Instructions, to contribute all Our Authority to the Procurement and Settlement of a good and blessed Peace, by the reestablishment and restitution of the Possessions and Dignities of our said dear Sister, Nephews, and Electoral Family, without which no Peace can either be honest or secure: Hereby Exhorting and Desiring all other Kings, Princes and States, our Friends, Allies and Confederates, who shall either be present at the said Diet, or shall have their Ambassadors, or Deputies there, that they will be assisting to the Justice of so good a Cause, and to so great a Blessing, as the restoring of Peace, to the almost desolate Estate of *Germany*.

“But because We may have just Cause to doubt by many Experiences of Our former Endeavours, that the Issue and Fruit of this meeting may not be answerable to Our just Expectation; but rather that it may produce contrary Effects, to the prejudice of the Justice and Rights of Our said Nephews and their Family (which God forbid) we are hereby forced to protest against all Acts, Sentences, Conclusions, or Determinations whatsoever, which shall or may be had, made or declared, either in Confirmation of the Oppressions and Usurpations past, or any Additions thereunto for the future, as invalid, and of no power or effect.

“In which Case (being contrary to Our desire and expectation) We also further protest and declare, that We will not abandon neither Our own, nor the Publick Interest, nor the Cause, Rights and just Pretences of Our dear Sister and Nephews, and other Princes and States involved within their Oppressions. But that We will use and employ all such force and power wherewith God hath enabled Us, both by Our own Arms, and the help and assistance of all Our Allies

July,
1641.

“ and Friends, to vindicate Our own Honour, the Publick peace, and
“ redress of the Injuries, Usurpations, and Oppressions of Our said
“ dearest Sister and Nephews, and their Illustrious Family.

“ And hereby as we do profess to use all our endeavour and Power
“ to promote a happy and desired Peace, for the Consolation of the
“ distressed Empire; so We do appeal to Almighty God, the Inspector
“ of the Hearts of all Princes; and to the World, the Spectator of all
“ Our just Actions, that We will be innocent, before God and the
“ World, of all the Evils that may ensue, if these Our last Hopes shall
“ be delayed or abused.

“ **H**is Sacred Majesty of Great Britain, being resolved, in Case this
“ his last Endeavor by his Extraordinary Ambassador, sent to the
“ Diet at Ratisbone, for a friendly Accommodation of his Nephew, the
“ Prince Elector Palatines Affairs, should prove fruitless, to have his
“ said Embassy, without further loss of Time, seconded by more powerful
“ and effectual means, went to His Parliament on the Fifth day of July last,
“ and there (after the dispatch of some other Affairs) presented the above
“ written Manifesto, with these Words;

“ **I** Take this occasion to present to both Houses, That, whereby I
“ hope all the World shall see that there is a good Understanding
“ between Me and My People; It is concerning My Nephew, the
“ Prince Elector Palatine; who having desired Me, by the Advice of
“ the King of Denmark, to assist him in a Treaty, for his Restauration,
“ at the Diet now held at Ratisbone, by the Emperour, I could not but
“ send My Ambassador for that purpose, though I much doubt that I
“ shall not have so good an Issue of it, as I wish: The which My Ne-
“ phew foreseeing, hath desired Me, for the better Countenancing of his
“ Just Demands, to make a *Manifesto* in My Name; which is a thing
“ of that Consequence, that if I should do it alone, without the Advice
“ of My Parliament, it would be of much less force. Therefore I do here
“ propose it unto you. That by your Advice I may do it: for that way
“ I think it most fit to be published in My Name.

“ **T**he said Manifesto concerning the Restitution of the Electoral Pala-
“ tine Family, having been Seriously Considered by both Houses, They
“ together came to his Majesty in the Banqueting-House, on the Twelfth of
“ July last, where the Speaker delivered the said Houses their Opinion and
“ Resolution, in this manner:

“ **Y**our Majesty in your Royal Person was pleased to recommend
“ this *Manifesto*, touching the Palatine Cause, to be read in full
“ Parliament, and to be advised of by both Houses.

“ Both the Houses have seriously considered of it, and have com-
“ manded Me, to present these their Humble Advices unto your Sacred
“ Majesty, which are expressed in this Declaration, which hath passed
“ the Votes of both the Houses, and which I am commanded to read unto
“ your Majesty,

Dei Mercurii, 7 Julii, 1641.

Resolved upon the Question; “ That this House doth approve of His
“ Majesties Pious Intentions in the behalf of His Royal Sister, and His
Nephew,

" Nephew, the Prince Elector Palatine, and the rest of the Princes of
 " that Family, and of the publishing this *Manifesto* to that purpose ;
 " and that this House will be ready to give His Majesty such advice
 " and assistance therein by Parliament, as shall stand with the Honour
 " of His Majesty, and the interest and affections of this Kingdom, if the
 " present Treaty shall not succeed.

July,
 1641.

Die Sabbathi 10 Julii 1641.

" Resolved in like manner upon the Question by the House of Peers,
 " That they do concur in this Vote with the House of Commons.

" I am likewise Commanded to present the humble desires of both
 " the Houses of Parliament.

" That Your Majesty will be pleased to recommend this *Manifesto* to
 " the Parliament of *Scotland*, to have the Concurrence of that King-
 " dom.

" **T**hus much was delivered by the Speaker of the House of Peers,
 " both Houses then attending His Majesty in the Banqueting-
 " House at White-Hall: To which His Majesty was graciously pleased to
 " make them this Answer.

" **W**E take very thankfully the Concurrent Advices of both the
 " Houses of Parliament, in so great and pious a Work, decla-
 " red in these Votes and Resolutions, which you have read unto
 " Us.

" We will also take care to recommend this *Manifesto* unto the Par-
 " liament in *Scotland*, to have the Concurrence of that Kingdom, which
 " We doubt not but they will perform.

Mr. Treasurer reports in a Paper His Majesty's Answer to the Third
 of the Ten Heads presented in the Painted Chamber, *in hæc verba*.

My Answer is, That I know of none, the which Methinks should
 both satisfy and be believed ; I having granted all hitherto de-
 manded by Parliament : Nor do I expect that any should be so unadvised,
 as by slander or otherwise to deter any that I trust to in my Publick Af-
 fairs from giving me Counsel, especially since freedom of Speech is always
 demanded and never refused to Parliaments.

The Kings An-
 swer to the 3d
 of the 10 Pro-
 positions about
 ill Counsellors.

This Gracious Prince was so unwilling to disoblige, even by any Ca-
 sual Word that might bear a hard Construction, that His Majesty im-
 mediately sent a Second Paper in these Words : Which was delivered at
 a Conference by the Earl of Bath to the Commons.

These are to signify to this House, That whereas He sent an Answer
 this day to both Houses concerning the Third Head, lest there
 should be any mistake upon the word Slander, His Majesty declares he did
 not mean all of either House of Parliament, or any Members thereof.

Upon the Reading of the Petition of the Arch-Bishop of *Canterbury*
 concerning his payment of Poll-mony, It was Ordered, To be left to be
 paid according to the Act of Parliament.

Order of the
 Lords about
 the Arch-Bi-
 shops paying
 Poll-Money.

July,
1641.

Resolves of
the Lords
concerning
the Court at
York.

The House for freer Debate was put into a Committee to consider of the Court of York, and to give judgment herein ; and after much Debate the House was reassumed, and it was

Resolved upon the Question by the Major Part, *That the Commission and Instructions, whereby the President and Council of the North exercise a Jurisdiction, is Illegal both in the Creation and Execution.*

Resolved, &c. *That this Commission and Instructions is unprofitable to His Majesty.*

Resolved upon the Question, Nemine Contradicente, *That this Commission and Instructions is inconvenient and grievous to His Majesties Subjects of those Parts.*

Resolved upon the Question, Nemine Contradicente, *That this House doth joyn with the House of Commons in beseeching His Majesty, that the Present Commission and Instructions may be revoked, and no such granted for the Future.*

A Salvo for
the Judges of
the Court of
York.

Memorandum, *This House doth declare, seeing the Commission and Instructions of the Court of York is Illegal in the Creation and Execution, that the former Judges in the Court of York, who have given Judgement, and proceeded as they thought in their Consciences upon True and Legal Grounds, shall not be liable to be Questioned, but in case of Injustice ; and that none in that Case shall be barred of their Appeal. And if it appear that there is a Necessity for the Ease of that Country to have a Court, this House will advise with the House of Commons, how one may be Established by Law, for the Ease of those Parts.*

And the Earl of Essex, Earl of Bristol, Viscount Say and Seal, Bishop of Lincoln, Lord Wharton, Lord Kimbolton were appointed to prepare Heads for a Conference with the Commons concerning the aforesaid Particulars, that so the Persons that were Judges, and the Acts of that Court may have a Saving for them.

If humane Bodies and Minds are subject to the secret Influences of the Heavenly Bodies, certainly England and the rest of the Brittish Dominions, were at this time under the Aspects of some Violent and Malignant Configurations, and there seemed to be an Universal Inclination in the People every where to Tumults, Mutinies, Violence and Injustice, the Lords House was full of Complaints of the Disorders of this Nature, throwing up Inclosures, and disturbing the Possessions of others, and that not singly, but by Multitudes, and with such Arms as Rusticks are wont to make Use of upon such Occasions of their Madnes : And of this the Lords were so sensible, that they made this following Order.

Order of the
Lords concern-
ing Violent
and Tumultu-
ous breaking
into Posses-
sions. July 13.
1641.

Whereas daily Complaints are made unto this House of violent breaking into Possessions, and Inclosures in Riotous and Tumultuous manner in several parts of this Kingdom, without any due proceedings by Course of Law to warrant the same, which hath been observed to have been more frequently done since this Parliament began, then formerly, it is thought fit and so Ordered by the Lords in Parliament, That no Inclosure or Possession shall be Violently and in a Tumultuous manner disturbed or taken away from any man, which was in Possession the first Day of this Parliament, or before, but by due Course and Form of Law, and that such Possessions of all men shall continue and remain unto them
as

as they were on the first Day of this Meeting of Parliament, unless it have been or shall be by some Legal way of proceeding in some of His Majesties Courts of Law or Equity, or by some Act or Order of the Parliament determined or ordered to the Contrary.

July,
1641.

And in all such Cases where any such unlawful disturbance of the quiet Possession of any man hath happened or shall happen, the High Sheriff of the County shall have Power by virtue of this Order together with two of the Justices of the Peace of the said County next or near to the place, and such other or others as he or they shall think fit to take with him or them, to repair unto the place where such Tumults happen to be, and appease and quiet the Possession of the said Lands and Inclosures so disturbed as aforesaid, and shall see to and cause that the Possession be continued unto the present Owners as aforesaid, until by a Legal Course in some Court of Law or Equity, or by order of Parliament it be determined, or Ordered to the contrary.

The Lord Bishop of *Lincoln* Reported, That the Lords Committees appointed to Consider of the Petition of the Officers of the Star-Chamber, have fully heard their Cause; and they are of Opinion, and do not conceive of any fitter way of Relief for these Poor Officers the King's Servants, then to remit them to the King's Mercy, that His Majesty would be Graciously pleased to allow a Proportionable Relief for these Poor men, out of such Fines as may accrue unto His Majesty in the High Court of Parliament, to be apportioned by the Lords of the Committees or otherwise as their Lordships shall be pleased to approve thereof, and Order it.

Report about
the Officers of
the Star-Cham-
ber.

Upon Report this Day made unto the House by the Right Honourable the Lord *Seymour*, that the difference between the Parishioners of *St. Thomas the Apostle*, complained of to the Lords in Parliament, was composed by his Lordship to whom the business was referred; It is Ordered by the Lords Spiritual and Temporal in the High Court of Parliament Assembled, that the said difference together with the Cause depending before their Lordships, shall by virtue of this Order be fully ended and determined, and Lastly, that *John Blackwell* shall for himself & others Petitioned against, forthwith pay unto the Overseers of the Poor of that Parish upon sight hereof, to the use of the said Poor, the full Summ of ten Pounds of Lawful Money of *England*, and hereof they are not to fail as they will answer to the contrary.

Report about
the Rioters at
*St. Thomas the
Apostle's* in pul-
ling down the
Rails.

There being a Report spread abroad that His Majesty intended to send the Lord *Digby* abroad under some honourable Character, and as was said, Ambassadour into *France*; his Enemies in the House of Commons being extreemly nettled at it, were resolved, if possible, to set a brand of Infamy upon his Lordship, and therefore not content to have disgracefully Expelled him out of their House, they revived his Dormant Speech concerning the Attainder of the Earl of *Strafford*: And notwithstanding that tender point of freedom of Speech, which he might well plead as a Member of that Body, where it is allowed to all Men to speak according to their Conscience, yet upon the Debate of it they proceeded to these Votes.

Tuesday,
July 13.

Resolved, &c. That the Lord Digby's Speech upon the Bill of Attainder of Thomas late Earl of Strafford, contains matters Untrue and Scandalous, and that the Printing and Publishing of it is a Crime.

Votes about
the Lord Dig-
by's Speech
against the
Bill of Attain-
der of the E.
of *Strafford*.

Resolved, &c. That Sir Lewis Dives, and John Moor, and Thomas Parson the Printer are Delinquents for Printing and Publishing the said Speech.

Ordered, That the Lord *Digby's* Speech be burnt by the hand of the Common Hang-man, on Friday in the Palace-Yard, Cheapside, and Smith-field;

Ordered to be
burnt by the
Common
Hangman.

July,

1641.

Wednesday,
July 14.
The first Printing of the Orders of the H. of Commons.

Order about
the L. Digby's
Speech.

field; And that these Votes be transmitted to the Lords for their Concurrence; and that the Lords be moved to joyn with this House to Petition His Majesty, That he would be pleased to forbear to confer any honour upon the Person of the Lord Digby, who hath deserved so ill of the Parliament.

An Order for the speedy raising the Mony for disbanding the Army according to the Act of Parliament, was this day Ordered by the House of Commons to be Printed by the King's Printers.

The Order following, about the Lord Digby's Speech, to be presented to their Lordships at a Conference.

W Hereas upon the 21 of April last past, there was a Speech spoken in the House of Commons at the passing of the Bill of Attainder of Thomas Earl of Strafford, by the Lord Digby then a Member of the said House; the which Speech contained in it matters Untrue and Scandalous, as they have reference to the Proceedings of the Committees of the Lords House, and this; and to the Evidence of the Witnesses produced in that Cause: And whereas the said Speech was published by the Lord Digby, after the said Bill of Attainder was past by Vote in this House, and after that great offence was taken to the said Speech, and the same questioned in the House, to the scandal of the Proceedings of this House; and is since come forth in Print to the scandal of the Proceedings of His Majesty and both Houses of Parliament: It is therefore this day Ordered by the said House, That all the said Books so Printed shall be publickly burnt on Friday next, part of them in the New Palace-Yard at Westminster, the other part of them in Cheap-side, London, and the rest in Smithfield, by the hands of the Common Hang-man. And to that purpose the Bailiff of Westminster, and the Sheriffs of London and Middlesex respectively, are hereby required to be Assistant to the effectual Execution of this Order, and see the said Books burnt accordingly. And it is also Ordered by the said House, That the Master and Wardens of the Company of Stationers, do their utmost endeavours to collect all the said Books into their hands, remaining now dispersed among their Company and others, and forthwith deliver them to one of the Sheriffs of London to be burnt according this Order. And all others who have any of the said Books, are hereby required forthwith to deliver them to one of the Sheriffs of London or Bailiff of Westminster, as they will undergo the displeasure of this House in doing the contrary, to be burnt according to this Order.

The ingrossed Articles against the Bishop of Ely were read.

Upon his Petition and Submission to the House Mr. Whittacre was this day discharged from his Imprisonment in the Tower.

Mr. Pym Reports the Conference with the Lords about the Queen's Journey. That the Lords had agreed to the Propositions, and had resolved to send a number of their House to desire His Majesty to be pleased to appoint some time, when such a certain number of both Houses as he shall think fit may attend him touching this business; and that if he please the Queen to be present.

The Lords appointed to wait upon the King, to know his pleasure herein, were Lord Steward, Lord Chamberlain, Earl of Bath, Earl of Bedford, and Earl of Essex:

Mr. Whittacre
released from
the Tower.
Pym Reports
the Conference
about the Q.
Journey to the
Span.

An Act for the Confirmation of the Subsidies granted by the Clergy, was this day read ; the Bill was once read, the Preamble and Confirmation was read 3 times : And afterwards being put to the Question, it was consented to pass *Nemine Contradicente*.

Then the Confirmation being Subscribed by the Clerk of the Parliament *Soit baille aux Comuns*, it was sent down to the House of Commons by Serjeant *Whitfield* and Serjeant *Finch* to pass there.

A Message from His Majesty by the Lord Chamberlain to acquaint the Lords, that he appoints to meet both Houses at Four of the Clock this day in the Banqueting-House about the Queen's Journey, which was at a Conference communicated to the Commons.

July,

I 6 4 I.

Bill of Subsidies granted by the Clergy, passed the Lords and carried down to the Commons.

Thursday

July 15.

“ Your Majesties Loyal Subjects the Lords and Commons taking
“ notice of an Intention of the Queen's Majesty to pass beyond
“ the Seas, whereby the Kingdom will be deprived of the comfort of
“ Her Majesties presence ; they have thought good to express their
“ humble Duties and Affections to Your Majesty, and to the Royal Person of the Queen, in some Considerations which they do now present
“ unto You, as they conceive very important for the good of this Kingdom, and the safety and contentment of Her Majesty, whose Honour
“ and Happiness shall always have a chief place in their Estimation,
“ which Considerations are these following.

Heads of the Address to stop the Queens Journey.

I.

“ First there is great Cause to doubt lest the Papists have some Design
“ upon Her Majesties Journey, because the House hath been informed,
“ that divers of them have sold off their Lands to a great value, and used
“ other means to get ready mony.

2. “ It is observed some of them have been very diligent, gathering
“ great quantities of Gold.

3. “ It is informed that more then ordinary numbers of Papists are
“ gone beyond Sea already, and those of the better sort.

II.

“ The great number of *English* Fugitives now beyond the Seas, who
“ by their late Designs and Practices are known to be full of Malice
“ to the State, and will no doubt seek all opportunities of access to Her
“ Majesty, and as much as they can labour to infuse into her, such evil
“ Counsels as may trouble the Peace of the Kingdom, whereof at this
“ time there is more danger, because the Affairs of the Kingdom are not
“ yet fully settled, and upon the Disbanding the Army all Parts are like
“ to abound with Soldiers, and such others, as will be apt to be provoked
“ to Tumults and Seditions, especially in the time of the King's absence
“ in *Scotland*.

III.

“ That the House of Commons have received Information of great
“ quantities of Treasure and Jewels, Plate and Ready-mony packt up, to
“ be conveyed away with the Queen, not only in such a proportion as
“ the present occasions with due respect to Her Majesties honour may
“ seem to require, but a far greater quantity ; and that divers Papists,
“ and others, under the pretence of Her Majesties Goods, are like to convey

July,
1641.

A pretty odd
contradiction
to the third
Reason.

“ very great Sums of Mony and other Treasure beyond the Seas, which
“ will not only impoverish the State, but may be employed to the fo-
“ menting some mischievous attempts, to the trouble of the publick
“ Peace.

IV.

“ That as it will be a great dishonour to the State, if her Majesty
“ should not be Attended and Furnished suitably to her Quality, so it
“ will be a very heavy burden in this time of great Necessity, and occasion
“ of other publick Charges, if she shall be provided in so Royal a man-
“ ner as shall be fit for Her Majesty, and the Honour of the King and
“ Kingdom.

V.

“ That because we understand by Sir *Theodore Mayern*, that the chief
“ cause of her Majesties Sicknes and Distempers proceed from some
“ discontent of her mind; the House of Commons have thought good
“ to declare, That if any thing within the power of Parliament can
“ give Her Majesty contentment, they are so tender of her health, both
“ in due respect to His most Excellent Majesty and Her Self; that they
“ will be ready to further her satisfaction in all things, so far as may
“ stand with that Publick, to which they are obliged.

VI.

“ That the House of Commons conceive it will be some dishonour to
“ this Nation, if Her Majesty should at this unseasonable time go out
“ of the Kingdom, upon any Grief or Discontent received here, and
“ therefore they shall labour by all good means to take away and pre-
“ vent all just occasion of Her Majesties trouble, in such manner as may
“ further Her Content, and therein Her Health, which will be a very
“ great Joy and Comfort both to them and the rest of His Majesties
“ loving Subjects to see.

“ All which they humbly recommend to Your Majesties Princely
“ Wisdom, beseeching Your Majesty, that by Your allowance they
“ may represent their humble desires at such time, and with such num-
“ ber of both Houses, as Her Majesty shall please to appoint.

Friday,
July 16.

Six Lords and Twelve Commoners appointed to attend Her Maje-
sty at Three of the Clock this Afternoon.

Mr. *Hollis* Reports the Conference with the Lords about what was
to be offered to the Queen to put off her Journey, which was as fol-
lows.

The Message
spoken to the
Queen about
her Journey.

THe Lords and Commons taking notice of Your Majesties Intention to
pass the Seas by reason of Your indisposition, whereby the Kingdom
will be deprived of Your Majesties presence, and divers other great In-
conveniences to the State may thereupon ensue; which yesterday both Hou-
ses of Parliament did most humbly represent unto the King, and withal Pe-
titioned for this Access unto Your Majesty, that so they might express un-
to Your Self their hearty sorrow for Your Majesties Sicknes, and most
earnest desires to perform any Duty whereby they may be serviceable for
the Recovery of Your Majesties Health: And because they have been in-
formed by Sir *Theodore Mayern* that this indisposition proceeds from
some

some inward discontent of Mind, the Lords and Commons have thought good to declare, that if any thing within the Power of Parliament may give your Majesty contentment, they are so tender of your Majesties Health, both in due respect to His Majesty and Your Self, that they will be ready to further your Majesties Satisfaction, in all things so far as may stand with the Publick Trust, to which they are obliged.

July,
1641.

And besides, they humbly conceive, that it may be some dishonor to this Nation, if your Majesty should in this unseasonable Time go out of the Kingdom, upon any Grief or Discontent received here: and therefore they shall labor by all good Means, to take away and prevent all such just Occasions of your Majesties trouble in such manner, as may farther your Majesties Contentment, and therein your Health, which will be a very great Comfort and Joy to themselves and the rest of His Majesties loving Subjects.

It was this day Ordered, That Mr. Pym being sued for Tithe Wood, shall have the Priviledge of Parliament, and that Lewis Lushford and others, the Solicitor and Attorney on the other side, be hereby enjoyned to forbear to Prosecute, or further to proceed in that Suit, or any other that concerns the said Mr. Pym.

Saturday July
17. Ordered to
stop a Suit a-
gainst Mr. Pym.

Mr. Hollis Reports the Queen's Answer in hæc verba.

I Give many Thanks to both Houses of Parliament, for their great Care of my Health, and their Affections to Me, hoping I shall see the Effects of it. Truly nothing but my Health, could have made Me to resolve of this Journey, and if I thought I could serve the King and this Kingdom with the hazzard of my Life I would do it, and I hope you believe I have so much Interest in the Good of this Kingdom, that I shall never wish any thing to the prejudice of it.

The Queens
Answer to the
Lords and
Commons.

You will Pardon the imperfectness of my English, I had rather have spoken in an other Language, but I thought this would be most acceptable.

It was this Day in the House of Lords Ordered, That those Persons that were sentenced by the House, for Violently breaking down the Railes in the Parish Church of St. Saviors Southwark, shall upon their Petition to this House desiring their Lordships Favor, and humbly acknowledging the Sentence of this House to be Just, upon them their Misdemeanors in that Business, be released out of their present Imprisonment for the same. And in regard they are of that Poverty, that they are not able to set up the Railes again at their own Charges, this House doth remit that part of the Sentence.

The Persons
that pulled
down the
Railes in St.
Saviors
Church re-
leased.

A Message was brought from the House of Commons by Sir John Holland, who presented three Bills which had passed that House.

(1) An Act for the Security of the true Religion, which they desired Expedition of.

(2) An Act concerning the Limiting and bounding of Forrests.

(3) An Act for John Eggars Free-School at Acton in the County of Southampton.

3 Bills brought
up by Sir John
Holland, 1 for
securing Prote-
stant Religi-
on, &c.

And to desire a Conference by a Committee of both Houses, at such time as their Lordships shall please, touching the transmission of the Charge against Bishop Wren, and concerning Inego Jones for pulling down St. Gregories Church.

July,
1641.

Munday July 19
Message from
the King about
a Priest of the
Venetian Am-
bassadors.

Bill about the
Marches of
Wales.

Bill for Billet
Money, &c.

Five new
Heads added
to the Ten for-
mer Propositi-
ons July 20.
1641.

Mr. Pym reports from the Committee for the 10 Propositions, a Paper being a Message from the King in *hæc verba*.

His Majesty hath commanded Me to tell you, that upon a Complaint of the *Venetian* Ambassador for the imprisoning of a Priest, being His Majesties Subject, he thinks fit that these two Things be done.

First, That all Ambassadors should have it declared to them in His Majesties Name, that they retain no Priests Natives of any of His Majesties Dominions.

Secondly, That the Priest belonging to the *Venetian* Ambassador, be presently sent out of the Kingdom, and not to return again, but at his Peril.

This Favour His Majesty thinks fit to shew the *Venetian* Ambassador, seeing the particular Person, as His Majesty is informed, hath been his Servant these three Years, and was brought over with him when he came; the Ambassador being ignorant of the Laws of the Kingdom.

Whereupon it was Ordered, That the Committee of Ten, inform themselves of the truth of the Ambassadors Complaint, and the State of the Case.

A Message was brought from the Commons by Sir *Robert Harlow*, who also brought up a Bill which had passed that House, for freeing five Counties from the Jurisdiction of the Marches of *Wales*.

Mr. *Bellasis* also brought up another Bill, which had passed the House of Commons, Entituled an Act for securing of such Monies, as are or shall be due to the Inhabitants of the County of *York*, and the other Counties adjoyning, wherein His Majesties Army is, or hath been Billeted, for the Billet of the Soldiers of the said Army, as also to certain Officers of the said Army, who do forbear part of their Pay, according to an Order in that behalf in the Commons House of Parliament this present Session, for such Use of their parts as they shall forbear.

The Earl of *Bristol* Reports from the Committee of both Houses for the Ten Heads, That the House of Commons have presented to their Lordships five Propositions, which they desire may be added to the other Ten Heads, and that their Lordships after Consideration of them would joyn with them to move His Majesty therein: the Heads were these, viz.

I.

The House of Commons doth declare, That no Forreign Ambassador what soever ought to shelter or harbor any Popish Priests or Jesuits, that are Natives of the Kings Dominions, under pretence of being their Servants or otherwise, and that the select Committee of their House for the Ten Propositions, shall present this Declaration to the Committee of this House, to the end that their Lordships may joyn with them to Petition His Majesty, that this may accordingly be observed.

II.

That Care may be taken concerning several Commissions, granted for the Levying of Men in Ireland to the number of Fourteen Thousand Men, as is informed, and all of them Papists, to the end to be transported, as is conceived, to Princes not well affected to this Kingdom; and that Popish Commanders may not have such Power by Commissions, as is of late granted to them.

Also

III.

Also that no Papist hereafter may have the keeping of any Castle, Fort, Chace, Forrest, Park or Walk within England and Wales, and that such as are in Possession may be outed according to Law.

IV.

That the King be moved to let the House of Commons have such Gun-powder out of His Majesties Stores, as may be spared, and they will pay after the rate of ten Pence per Pound for it, as soon as they can get Monies.

V.

And lastly, To move His Majesty, that the Arms which have been taken from the several Counties, may be restored to them, and if His Majesty can spare any Arms out of His Store, they will buy them.

Hereupon the Lords taking these five Propositions into Consideration, Ordered, To joyn with the House of Commons humbly to move His Majesty, that he would please to Assent to them. To this purpose Earl of Essex, Earl of Warwick, Earl of Cambridge, Earl of Bristol, Viscount Say and Seal, were appointed to attend His Majesty for His Answer.

After which William Smyter, William Shepheard, Toby Gratwick, George Ewer, Hugh Barcok, Thomas Low, George Pitcher and Edward Symonds, upon their Humble Petition and Acknowledgment of their Misdemeanors in the Tumult at St. Olaves and St. Saviors, were releas- ed from their Imprisonment.

A Conference having been had with the Lords about the French Ambassadors, desire to have some of the disbanded Troops Sir John Culpeper Reports, That the French Ambassador had waited upon His Majesty to desire, that upon disbanding of the English Army, he might have liberty to carry such Men over for his Masters Service, as he could agree with; and that His Majesty had told him that he would give no Answer, till he had acquainted the Parliament with it. Whereupon it was Ordered, That the House should consider of it on Thursday Morning.

The engrossed Articles against the Bishop of Ely, were this Day carried up to the Lords by Sir Thomas Widdrington, who at the reading of them, made this following Oration to blacken the Lawn Sleeves, which was then the greatest Perfection of Eloquence, and of Religion to be highly uncharitable.

My Lords, I am commanded by the Knights, Citizens, and Burgeses now Assembled for the Commons in Parliament, to deliver to your Lordships these Articles against the Bishops of Ely.

May it please your Lordships first to hear them read.

MY Lords, These Articles are dipped in those Colours, in which this Bishop rendred himself to the Diocess of *Normich*; they need no Gloss nor Varnish. In them you may behold the spirit and disposition of this Bishop; hear the groans and cryes of the People; see a Shepherd scattering, (I had almost said) devouring his own Flock. He that was desired to paint *Hercules*, thought he had done enough, when he had made a resemblance of the Lyons Skin, which he was wont to carry about him, as a Trophy of his Honor.

I will say that in these you will not find a resemblance of the Lyons Skin, I am sure you will find the resemblance of the Skins (that is to say) the tattered and

July,
1641.

Rioters at St. Olaves releas- ed.

Tuesday,
July 20.
French Amba-
sador desires
to have the Dis-
banded Eng-
lish Army for
his Masters
Service.

Sir Thomas
widdrington's
Speech at the
reading of the
Articles against
the Bishop of
Ely, 20 1641.

July,

1641.

ruin'd Fortunes of Poor Innocent Lambs, who have extreamly suffered by the violence of this Bishop.

In the year 1635, this man was created Bishop of *Norwich*, he is no sooner there, but he marcheth furiously.

In the Creation of the World, Light was one of the first productions; the first visible action of this Bishop, after his Creation into the See, was to put out many burning and shining Lights, to Suspend divers Able Learned and Conscientious Ministers; he that should have been the golden Snuffer of these Lights, became the Extinguisher; and when these are taken away, where shall poor Men light their Candles?

My Lords, this was not all.

He puts out Lights, and sets up Fire-brands in their places, Suspends painful Ministers, and sets up Idle Factious and Superstitious Priests, (to use their own Language) in their places, yet is it the Fortune of these Men at this time, like Rivers in the Ocean, to be buried in the extream activity of their Diocesan.

He made a Scourge, not of small Cords, but of new Injunctions and numerous Articles, tyed about with a strong twist of a Most dangerous Oath; and with this he whips not out Buyers and Sellers, but the faithful dispensers of the Word, out of their Churches, out of their Estates, out of their dear Countrey.

This *Noah* (if I may so call him without offence) as soon as he entred into the Ark of this Diocess, he sends, nay forces Doves to fly out of this Ark; and when they return unto him, with Olive Branches in their Mouth's of Peaceable and Humble Submissions, he will not receive them into this Ark again; unless like Ravens they would feed upon the Carrion of his new Invention, they must not have any footing there; he stands as a flaming Sword to keep such out of his Diocess.

My Lords, unless he had done this, he could never have hoped to have brought that great Work he undoubtedly aimed at to any perfection.

Whilst the *Palladium* of *Troy* stood, that City was impregnable; the *Greeks* had no sooner stollen that away, but they instantly won the City; So then he first put out the Candles, then was the opportunity to shuffle in his works of darkness: he first beats of the Watch-men and Seers, then was like to follow that, which the Impiety of some was pleased to stile, *The Piety of the times*.

This being done, He then begins to dress out Gods Worship according to his own fancy: this he expresseth in Injunctions and Directions, the *Minerva's* of his own Brain, we find them stiled, *Regales Injunctiones Dom. Episcopi*: a Stile too Sacred to Baptize his Brats withal; I shall be bold to call them, *Tyrannicas Injunctiones Dom. Episcopi*: Stories afford not a more Barbarous Cruelty, then to joyn a Dead and a Living Body together, the one is miserably killed with the stinch of the other.

This Bishop, who like *Aaron*, should have stood between the Living and the Dead, hath joyned to lively Ordinances, many Dead and Venemous Ceremonies, which have no other Life, than what they received from the Breath of his Injunctions, and these are pressed upon the Consciences, even these must be observed as Moral Laws.

An Arbitrary Government in the Church is more dangerous, more grievous, than that in the State; this is excercised upon Mens consciences, the most tender parts, and is the very Pinacle of Tyranny, and of all other most intolerable; That blow which will hardly be felt by the Arm, will put out the Eye.

My Lords, in the time of King *Rich. 1.* one of this Man's Predecessors, a Valiant Bishop went into the Holy War; this Bishop hath raised a War at Home, in his own Diocess; a War not against *Sarazens*, *Barbarians*, *Turks*, or *Infidels*, but against good and well disposed People; I know not what stile to give this War: without doubt (my Lords) this was no Holy War.

The Weapons of this War-fare were 28 Injunctions, 139 Articles, containing 879 Questions.

The Soldiers were Chancellors, Commissaries, Officials, Commissioners, Rural Deans, &c.

Himself Commanded in Chief.

The

July,
1641,

The ways of Assault and Killing, were by Excommunications, Suspensions, Deprivations, — I stay here: *mille modis morimur mortales*.

The Magazine wherein all these were Originally hatched and lodged, were the Superstitious and Malicious Brest of this Bishop.

This Diocess was the Stage where the direful Tragedies of this War were acted by the space of two years and upwards.

Thus did he trouble *Israel* in the time of Peace, nay, by these he put some of the Chariots and Horse-men of *Israel* to flight, out of these he raiseth a Farm of 500 Pounds for his primary Visitation; if it be considered *cum pertinentiis*, it was not dear, yet well improved, for formerly but 40 Pound in the time of some of His Predecessors.

Will it please your Lordships with patience, to cast your Eyes upon the Model of this Bishop's Zeal, Piety and Religion: Let his affection to Prayer and Preaching, speak for all the rest.

First, for Prayer. It was his hap to find a Prayer which is no Prayer, pretended to be prescribed by a Canon which is no Canon, and I mean the 55 Canon set forth the year 1603 & no other Prayer must be used in his Diocess before Sermon. That Monster of conceived Prayer (pardon the expression, it is not my own) seemed as bad to him, as a Spell or Charm. It must not be used upon any occasion; without doubt he would never have been so strait Laced, and severe in this particular, if he had but dreamed of that strait which a Minister, a Friend of his was put unto by this means; the story is short. A Butcher was gored in the Belly with an Ox, the Wound was cured, the Party desired Publick Thanksgiving in the Congregation, the Minister finding no Form for that purpose reads the Collects for Churching of Women.

Next for Preaching. That he is most able in his kind, is agreed by all. But that he ever Preached himself in his Diocess saving once, I never heard affirmed by any.

His next care was that others should not Preach too often; if they did, they must be put into his black Bill: He changed that golden Sentence of *va mihi si non predicavero* into *va aliis si predecaverint*; he was so far from the practice of St. Paul, the great Preacher of the *Gentiles*, who, we read, Preached till mid-night, that there must be no Sermons in the Afternoon; there may be, nay, there must be sports and pastimes then. And as if he had stood in fear of the Inarticulate Language of Bells which might foretell a Sermon, he cannot endure to hear the noise of a Sermon in the toll of a Bell.

In a Word; he adorned Churches at the charge of other Men, and spoyled Pulpits, which ought to have been the greatest part of his own charge.

My Lords, you have now presented to your Lordships a Brother, nay, one whose place engaged him to be a Father of the Clergy, yet one who, like *Josephs* Brethren, hath taken the Coats from *Joseph*, nay they were forced to fly from him, as *Joseph* from his Mistrels, or else they must taste of his forbidden Waters; but in their going away he rents their Skirts, nay their whole Garments, and Lively-hoods from them; he hath taken the Locks from many *Sampsons*, and done what he could to put out their Eyes, and to make them grind in the Mill of his pernicious and dangerous Innovations.

He should, like *Moses*, have led his flock. *Moses* led the Children of *Israel* thorow the red Red Sea; this man drives part of his flock over the Sea, but went not himself.

Like *Nimrod*, he hath invaded the Laws and Liberties of the Subject; he hath been as great a Rober as ever was presented to your Lordships; He hath Robbed the King of his Subjects, the greatest glory of Kings; the Kingdom of Trade, of Tradesmen, the Supporters of it.

He that deprives the King of one Subject, you know his punishment; and what shall be the punishment of him who hath Robbed the King of so many Subjects?

In the time of King *Henry* the Third, we find a Tenant in Dower punished in Action of Waste, because she had destroyed two rich Villains and made them Beggars.

I appeal to your Lordships; what is his offence who hath committed so much wilful Waste and Spoil, Beggered Hundreds, not Villains, but Free-born Subjects.

He

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July,

1641.

He Robbed the Souls of that sweet *Mannah* which is *pabulum animarum*, the Word of God.

My Lords, I have not yet recounted all his Robberies; he hath Robbed God of part of his Day, makes part of that, a Day of sports; he hath Robbed his Subjects of their indubitable Birth-right, the Laws of the Kingdom.

The Citizens of *Norwich* must pay Tithes for their Rents of Houses; there's no Law in *England*, nor Custom in *Norwich* for it: Nay & that they may be sure to be Robbed of Justice too, the suit for these Tithes must be in his own Consistory, from whence there must be no Appeal, no Prohibition.

The true Patrons of Churches they are Robbed of their Presentations, others who had none or small pretence of right, are admitted upon this unhallowed Maxim, That if he should Institute those who had right, the pretender was without remedy; by this he inverted a Fundamental Law of this Nation, to invest remediless Rights with unjust Possessions.

(My Lords) I cannot tell you all, but you can measure a Lyon by the Paw.

I am commanded to lay this great Malefactor at your Doors, one who hath been a great oppugner of the Life and Liberty of Religion, and who set a Brand of Infamy (to use his own words) upon *Ipswich* Education.

In Summ, one who is a compleat mirror of Innovation, Superstition, and Oppression, he is now in the Snare of those Articles, which were the works of his own Hands.

The Rod of *Moses* at a distance was a Serpent, it was a Rod again when it was taken into his Hands; this Bishop was a Serpent, a devouring Serpent in the Diocese of *Norwich*; your Lordships peradventure will by handling of him, make him a Rod again; or if not, I doubt not but your Lordships will chastise him with such Rods, as his Crimes shall deserve.

(My Lords) I am commanded by the House of Commons to desire your Lordships, that this Bishop may be required to make answer to these Articles, and that there may be such proceedings against him, as the course and justice of Parliament doth admit.

Articles of Impeachment against Mathew Wren Doctor in Divinity, late Bishop of Norwich, and now Bishop of Ely.

The Articles
against the Bi-
shop of Ely.

That the said *Matthew Wren* being Popishly and Superstitiously affected, did at his first coming to be Bishop of *Norwich*, which was in the year 1635. endeavour by sundry ways and means to suppress the powerful and painful Preaching of the Word of God; did introduce divers Orders and Injunctions, tending to Superstition and Idolatry; did disturb and disquiet the orderly and settled Estate of the Ministers and People, and Churches of that Diocese, to the great prejudice of His Majesty, the great grief and disquiet, and hazard of the Estates, Consciences, and Lives of many of His Majesties Loyal Subjects there, to the Manifest bringing in, and encreasing of Prophaneness, Ignorance, and disobedience, in the common People (as by the particulars ensuing may appear.)

I.

Whereas many Chancells of Churches, during all the time of Queen *Elizabeth*, King *James*, and of His Majesty that now is, had laid and been continued even, and flat, without any steps ascending towards the East end of the same, and are by the Rubrick in the Book of Common-Prayer, ordered to continue as they were, and so ought to have continued. He, of His own mind and will, without any Lawful Warrant or Authority, in the year 1636, being then Bishop of *Norwich*, ordered and enjoined, that the same should be raised towards the East-end, some two, some three, some four steps, that so the Communion-Table there placed Altar-wise, might be the better seen of the People.

II.

He in the same year 1636. Ordered, that the Communion-Table which is appointed by the same Rubrick, at the time of the Celebration of the Holy Communion, to be placed in the Body of the Church or Chancel, where Divine Prayers are usually read, and where the People might best hear, should be set up

up close under the Wall at the East-end of the Chancel Altar-wise, and not to be removed from thence; whereby the Minister, who is by the Law to Officiate at the North-side of the Table, must either stand and Officiate at the North-end of the Table so standing Altar-wise, or else after the Popish and Idolatrous manner, stand and Officiate at the West-side of the Table with his Back towards the People.

July,
1641.

III.

He in the same year 1636. enjoined that there should be a Rail set on the top of the new raised steps before the Communion-Table, so set Altar-wise as aforesaid, which Rail should reach from the South-side of the Chancel to the North, within which the Minister only should enter, as a place too Holy for the People; and some of the People were punished for stepping into it, as namely *Daniel Whayman*, and others.

IV.

The more to advance blind Superstition, he in the same year 1636. Ordered that all the Pews in the Churches should be so altered, that the People might kneel with their Faces Eastward, towards the Communion-Table so set Altar-wise as aforesaid; And that there should be no Seats in the Chancel above, or on either side even up with the said Table.

V.

He in the same year 1636. enjoined that every Minister after he had finished the reading of some part of Morning Prayer, at the Desk, should go out from the same to the Holy Table set Altar-wise, as to a more Holy place, and there, when no Communion was to be Administred, Read at the said Table a part of the Communion Service, now commonly called the second Service, whereby the consciences both of the Minister, and People, have been not only very much offended, and grieved, but also the Service it self was made very unprofitable to the People, who could not hear what was said, or prayed in that place.

VI.

That both he in his own Person, his Chaplains, and others of the Clergy, as namely, *Mr. John Novell*, *Mr. William Guest*, *Mr. John Dunckon*, and others following his example, did ever after the Table was so set Altar-wise, use and perform such, so many, and so frequent bowings, and adorations before, and towards the said Table as have been dangerous examples to draw others to the like Superstitious gestures; and have given great Scandal, and offence to the sound, sincere, and well affected *Christians*.

VII.

He in the said year 1636. enjoined all the People to come up to the Rail to receive the Holy Communion, and there kneel, and do Reverence before the Holy-Table placed Altarwise; And gave directions to the Ministers, not to administer the Communion to such People as should not so come up, and do such Reverences as aforesaid, and that the Minister should within the Rail deliver the Bread to such People only as should so come up and kneel before the said Table as aforesaid. This was to the offence of the Consciences of many good People, who for fear of Idolatry and Superstition, durst not come to kneel at the said Rail before the Table so placed Altar-wise; and many People not coming up thither, though presenting themselves upon their Knees in Chancel, have not had the Communion delivered unto them, and afterward for not receiving have been Excommunicated, as namely, *John Shyming*, *Samuel Duncknon*, *Peter Fisher*, *Thomas Newton*, *Edward Bedwell*, *Edmund Day*, *John Frowar*, and many others.

VIII.

He did in the said year 1636. enjoin and command that there should be no Sermons on the Lodrs Dayes in the afternoon, or on the Week Dayes at all, without his License. And also enjoined that there should be no Catechising, but only such Questions, and Answers, as are contained in the Book of the Common-Prayer. Not allowing the Ministers to expound or open the points of the same to the People. He and his under-Officers affirming in publick places, that
such

July,
1641.

such an Exposition might be as ill as a Sermon. And the more to hearten, and confirm the People in prophaning the Lords Day. He enjoyned the Ministers to read publickly in their Churches, a Book published touching sports on the Lords Day, For not reading whereof, some Ministers were by the command and directions of the said Bishop Suspended, viz. Mr. *William Leigh*, Mr. *Richard Proud*, Mr. *Jonathan Burr*, Mr. *Matthew Brownrigg*, Mr. *Mott* and divers others; some deprived, Mr. *Powell*, Mr. *Richard Raymond*, Mr. *Jeremy Borrowes*, and some otherwise troubled. By all which, Knowledge was suppressed, and Ignorance and Prophaneness introduced in that Diocefs.

IX.

There having been formerly two kinds of Ringing of Bells, and calling People to the Church in that Diocefs (viz.) one kind, when there were only Prayers to be Read, and another kind, when there were both Prayers to be read, and a Sermon Preached, whereby the People did apply themselves to the Service of God in those places, where both Prayers and Preaching was to be; He, to hinder the People in their good desires in serving of God, and edifying their Souls, did in the same year 1636. command, and enjoin, that there should be no difference in Ringing of Bells to Church when there was a Sermon and when there was none.

X.

Whereas many Godly Ministers, for the preventing of the great Sin in the People of unworthy receiving the Holy Communion of the Lords Supper, did use to Preach two or three Days before every Communion, a Preparation Sermon to prepare, and Instruct the People in the Right and Worthy receiving of the Communion; He the said Bishop did in the said year 1636, forbid Ministers to Preach any such Preparation Sermon in that Diocefs, as namely, Mr. *Devereox*, Mr. *Swayn*, and other Ministers.

XI.

Whereas all Gods Ordinances are Sanctified, and made Fruitful by the blessing of God upon them by Prayer; He, endeavouring to suppress the benefit and power of Prayer, in the year 1636, enjoyned, That no Minister should use any Prayer before his Sermon, but move the People to Pray only in the words of the fiftieth Canon, made Anno 1603; which Canon was not warranted by the Law: And that no Prayer should be used before or after the Sermon. And he in his own Person having been at the Sermon in the Town of *Ipswich*, when the Preacher did use or make any other Prayer, did sit upon his Seat, without using, or giving any reverence of kneeling, or otherwise, thereby to discountenance such Prayer. And he in the said year 1636, enjoyned that no Prayer should be made in the Pulpit for the Sick, and that such as were prayed for in the Reading Desk, should be prayed for only in the two Collects prescribed for the visitation of the Sick in private Houses.

XII.

He the more to Alienate the Peoples Hearts from hearing of Sermons in the said year 1636. Commanded and enjoyned all Ministers to Preach constantly in their Hood and Surplice, a thing not used before in that Diocefs, and much offensive to the People as a Scandalous Innovation. And the Parishioners of *Knaishall* wanting a Surplice, he did by his Officers in the year 1637. enjoin the Church-Wardens there, that no Prayers should be read in that Church, till they had got a Surplice, which they not getting for the space of two Lords Days after, had no prayers during that time there.

XIII.

That during the time of his being Bishop of *Norwich*, which was about two years, and four Months; There were for not reading the second Service, at the Communion-Table set Altar-wise, for not reading the Book of Sports, for using conceived Prayers, before and after Sermons, And for not observing some other Illegal Innovations by him, and his under-Officers, by and upon his directions, and injunctions, sundry Godly painful Preaching Ministers, that is to say, Mr. *William Powell*, Mr. *John Carter*, Mr. *Robert Peck*, Mr.

Mr. William Bridge, Mr. William Green, Mr. Mott, Mr. Richard Raymond, Mr. Thomas Scot, Mr. Greenhil, Mr. Nicholas Beard, Mr. Hudson, Robert Kent, Jeremy Burrows, Mr. Thomas Allen, and others, to the number of fifty, were Excommunicated, Suspended, or deprived and otherwise censured, and silenced, to the undoing of many of them, their Wives, and Children, and they could not be absolved without giving promise to conform to his directions *editis & edendis*, by means whereof some Ministers were enforced to depart this Realm into *Holland*, and other parts beyond-Sea, viz. The said Mr. Thomas Bridge, Mr. Jeremy Borrowes, Mr. Thomas Allen, Mr. John Ward, and others of *Norwich*, to remove into other more peaceable Diocesses, as namely Mr. Edmund Calamy, Mr. Broom, Mr. Beard, and others, and some of them so Prosecuted as hath been suspected to be the Cause of their Deaths, as namely Mr. Thomas Scot and others; the terror of which proceedings hath caused other Ministers to leave their Cures, and go away, viz. Mr. William Kirington, Mr. Thomas Warren, Mr. John Allen and others; and if a Stranger Preached at the Cure of such Person Suspended, the Church-Wardens permitting such Person so to Preach, were enjoined penance, and otherwise troubled, as namely the Church-Wardens of *Snailwell*, and the Stranger for Preaching, was also therefore molested, viz. Mr. Ash, Mr. Eades, Mr. Manning, and other Ministers.

July,
1641.

XIV.

That during the time he was Bishop of the said See of *Norwich*, he did unlawfully compel the Inhabitants of the severall Parishes, within that Diocess, to raise the Flowers of the Chancels, of their respective Churches, to Rail in their Communion-Tables, to remove the Pews and Seats, and to make other alterations in the respective Churches; in the doing whereof the said Inhabitants were put to great, excessive, and unnecessary charges and expences, amounting in the whole, to the Summ of five thousand Pounds, and upwards, which said charges and expences, he did by unlawful means and courses, enforce the said Inhabitants, to undergo; and such of the said Inhabitants, as did not obey the same, he did vex, trouble and molest by Presentments, Citations, Excommunications, Tedious, and frequent Journeys, and by Attendances at the Courts of his Chancellor, and other his Officials, viz. the Church-Wardens of *Linne*, *Ipswich*, *S. Edmundsbury*, and others.

XV.

That for not coming up to the Rail, to receive the Holy Communion, kneeling there before the Table Altar-wise, for not standing up at the Gospel, and for not observing and performing of his unlawful Innovations, and Injunctions, many other of His Majesties Subjects, viz. *Peter Fisher*, *Samuel Duncon*, *James Percivall*, *John Armiger*, *Thomas King*, and others, have been by him, his Chancellors, Visitors, Commissaries, and Officials, by Command and Injunctions, much Molested, Disquieted and Vexed in their Estates and Consciences, by Citations to the Courts, long attendance there, Dismission, Fees, Excommunications, Penances, and other Censures.

XVI.

That by reason of the rigorous Prosecutions and dealings in the last precedent Articles mentioned, and by reason of the continual Superstitious bowing to, and afore the Table set Altar-wise, the suspending, silencing and driving away of the painful Preaching Ministers, the suppressing and forbidding of Sermons and Prayer, the putting down of Lectures, the suppressing means of knowledge and Salvation, and introducing Ignorance, Superstition, and Prophanenels, many of His Majesties Subjects, to the number of three thousand, many of which used Trades, Spinning, Weaving, Knitting, and making of Cloth, and Stuff, Stockings, and other Manufactures of Wools; that is to say, *Daniel Sunning*, *Michael Metcalfe*, *John Berant*, *Busby*, *Widdow Mapes*, *Richard Cock*, *John Dicks*, *Francis Laws*, *John Senty*, and many others, some of them setting an hundred poor People on work, have removed themselves, their Families, and Estates into *Holland*, and other parts beyond the Seas, and there set up and taught the Natives there, the said manufactures, to the

July,
1641.

great hindrance of Trade in this Kingdom, and to the impoverishing, and bringing to extream want, very many who were by those Parties formerly set on work, to the great prejudice of His Majesty and His People.

XVII.

That he the said Bishop, finding the People to distast his Innovations, hath often in publick and private Speeches declared in the said year 1636. that what he did in the same, was by His Majesties command: whereby he contrary to the duty of this place, which he held under His Majesty, being Dean of His Majesties Royal Chappel; and contrary to the duty of a good and Loyal Subject, endeavoured to free himself of blame, and to raise an ill Opinion of His Royal Majesty in the Hearts of His Loving Subjects.

XVIII.

That he the said *Matthew Wren*, being Bishop of *Normich* in the said year 1636. in the Tower Church in *Ipswich*, and other places, did in his own Person use Superstitious and Idolatrous Actions and Gestures in the Administration of the Lords Supper, Consecrating the Bread, and Wine, standing at the West-side of the Table with his Face to the East, and his Back towards the People, Elevating the Bread and Wine so high as to be seen over his shoulders, bowing low, either to or before them, when he after the Elevation and Consecration had set them down on the Table.

XIX.

That he the more to manifest his Popish affection, in the said year 1636. caused a Crucifix, that is to say, the figure of Christ upon the Cross, to be Engraven upon his Episcopal Seal, besides the Arms of the See.

XX.

That he hath chosen and employed such Men to be his Commissioners, Rural Deans, and to be his household Chaplains, whom he knew to be, and stand affected to his innovated Courses, and to Popish Superstition, and to be erroneous and unsound in Judgment and Practice: as namely Mr. *John Nowell*, Mr. *Edmund Mapletost*, Mr. *John Dunkin*, Mr. *Boucke*, Mr. *Dun*, and others.

XXI.

That he hath very much oppressed divers Patrons of Churches, by admitting, without any colour or Title, his own Chaplains, and others whom he affected, into Livings which become void within his Diocess, unjustly enforcing the true and right Patrons to long and chargeable Suits to evict such Incumbents, and to recover their own right: some of which he did against his Priestly word given to the said Patrons, or their Friends, in *verbo Sacerdotis*, not to do the same. This he did in the Case of one M. *Rivet*.

XXII.

That he and others, in the year 1635, sold, or granted away the profits of his Primary Visitation, for five hundred Pounds, over and above charges of the Visitation, and for the better benefit of the Farmer, set forth a Book in the year 1636, Intituled, Articles to be enquired of within the Diocess of *Normich*, in the first Visitation of *Matthew*, Lord Bishop of *Normich*, consisting of 139 Articles, and wherein are contained the number of 897 questions, according to all which, the Church-Wardens were enforced to present upon pain of Perjury. And some Church-Wardens, that is to say, *Robert Langley*, *Charles Newton*, *Richard Hart*, *William Bull*, and *Rephany Ford*, and others, not making presentments accordingly, were cited, molested, and troubled, and enjoined pennance; notwithstanding many of the said Articles were ridiculous and impossible.

XXIII.

That the Church-Wardens, and other men Sworn at the Visitation, were enforced to have their presentments written by Clerks specially appointed by such as bought the same Visitation, to whom they paid excessive Sums for

for the same : some two and twenty Shillings as namely, *Richard Hurrel*, *John Punchard*, and others, some more, some less, for writing one Presentment, to the grievous oppression of His Majesties poor Subjects in that Diocess.

July,
1641.

XXIV.

Whereas by the Laws of this Realm no Tithes ought to be paid out of the Rents of Houses, nor is there any Custom or Usage in the City of *Norwich* for such payment ; yet the said Bishop endeavoured to draw the Citizens, and other Inhabitants within the said City against their wills and consents to pay two Shillings in the Pound, in lieu of the Tithes of Houses within the several Parishes of the said City, unto the Ministers there, of the said respective Parishes. And the better to effect this his unjust resolution, he did by false and undue suggestions, in the fourteenth year of His Majesties Reign that now is, procure His Majesty to declare under his Highness's great Seal of *England* his Royal pleasure, That if any person within the said City shall refuse to pay according to the said rate of two Shillings in the Pound unto the Minister of any Parish within the said City, that the same be heard in the Court of Chancery, or in the Consistory of the Bishop of *Norwich*. And that in such case no prohibition against the said Bishop of *Norwich*, their Chancellors or Commissaries in the said Courts of Consistory be granted. And if any such Writ be any time obtained, the Judges granting the same, upon sight of his Highness's said Order, shall forthwith grant a Consultation to the Minister desiring the same, with his reasonable cost and charges of the same : Which said Order and Decree under the great Seal of *England* tended to the violation of the Oaths of the Judges, and was devised, contrived, and made by the said Bishop. And afterwards by his evil Counsels and false Surmises he did obtain His Majesties Royal consent thereunto, and by colour of the Order aforesaid, and other the doings of the said Bishop, the Citizens and Inhabitants of *Norwich* aforesaid, viz. *John Collar*, *Judith Perkeford*, and others, have been forced to pay the two Shillings in the Pound in lieu of Tithes, or else by Suits, and other undue means been much molested, and put to great charges and expences, contrary to the Law and Justice.

XXV.

That he assumed to himself an Arbitrary Power, to compel the respective Parishioners in the said Diocess to pay great and excessive Wages to Parish-Clerks, viz. the Parishioners of *Yarmouth*, *Congham*, *Tostock*, and others ; commanding his Officers, that if any Parishioner did refuse to pay such Wages, they should certifie him their Names, and he would set them into High-Commission Court for example of the rest ; and that one or two out of *Ipswich* might be taken for that purpose.

And the said Commons by Protestation saving to themselves the liberty of exhibiting at any time hereafter any other Accusation or Impeachment against the said *Matthew Wren*, late Bishop of *Norwich*, and now Bishop of *Ely*, and also of replying to the answer that he the said *Matthew Wren* shall make unto the said Articles, or any of them, or offering proof of the Premises or any other Impeachments or Accusations that shall be exhibited by them, as the case shall (according to the course of Parliaments) require, do pray that he the said *Matthew Wren* may be called to answer the said several Crimes and misdemeanors, and receive such condign punishment as the same shall deserve ; and that such further proceedings may be upon every of them had and used against him, as is agreeable to Law and Justice.

Thus did these great Zealots for the pretended Purity and Reformation of Religion, and to reduce the Bishops to their Primitive State, even literally render them so, by Persecution imitating the Primitive Persecutors of the Primitive Bishops, clothing them in Skins of Bears, Wolves and Tigres, to invite the cruel Mastiffs to fall upon them and tear them in Pieces. And certainly not with standing this black Accusation, there cannot be a greater Demonstration of the Innocence of

July,

1641.

King Assents to
the 5 Propo-
sitions.

The Case of
the Clerks &c.
of the Court of
Common-
Pleas against
Patentees, and
the Lords Or-
der upon it.

this worthy Prelate, then the very Articles, and that this Accusation wanted proof to carry it further than a bare Accusation, and a Commitment to the Tower where with the Courage and Patience of a Primitive Christian, he continued a Prisoner till the happy Year 1660. wherein he saw himself, the Church and this Kingdom together set at Liberty, by the blessed Restauration of His Most Serene Majesty *Charles* the Second, to his undoubted Birth-Right the Imperial Crown of these Realms, from the Bondage and Slavery, under which they had for so many Years laid Languishing, and almost ready to expire.

The Earl of *Bristol* acquainted the House, That His Majesty had been moved concerning the Five Propositions presented from their House, from the House of Commons Yesterday, and his Majesty consents to all the said Propositions.

WHEREAS a Petition hath been Exhibited unto this Honorable House by sundry Officers, Clerks, and late Clerks, of the Court of Common-Pleas, Thereby shewing that they have been Bred and Trained up as Clerks in the said Court, and that the Disposition of the Offices of Prothonotaries, Fillizers, Exigenters, and divers other Officers of the said Court, had Time out of Mind, appertained to the Chief Justice of that Court, for the Time being as an inseperable Incident to his Office, and that the same were granted to such skilful and experienced Clerks trained up in the said Court, as were most fit and able for the Execution of the same Places; and that notwithstanding several Grants and Letters Patents of the said Offices, had been obtained from His Majesty, to the great discouragement of able Clerks, and therefore prayed that the said Grants or Letters Patents might be recalled: And whereas several Petitions have likewise been Exhibited, by the Patentees touching the said Offices, and several Days of hearing have been appointed; but in regard of greater Business in the House, the Cause could not be heard, whereupon it pleased the Lords upon the 26th Day of June last, to Order that the Judges of the Kings-Bench, and Barons of the Exchequer should consider, whether the said Grants or Letters Patents, made by his Majesty of the said Offices, or any of them were good in Law; and should make Report thereof unto the House, to the end their Lordships might proceed to do what should be Right and Just therein; And whereas the said Judges and Barons upon perusal of divers of the said Patents, and a due Consideration had of the Grants of those Offices, in former Times made by the Chief Justice of the said Court of Common-Pleas for the Time being, and upon hearing of Council on both Sides, after mature deliberation had of the Premises, did certifie, that the Offices of the first and third Prothonotary of the said Court of Common Pleas, of the Clerk of the Warrants, of the Clerk of the King's Silver, of the Clerk of the Essoignes, of all the Exigenters, and of all the Fillizers (except of the County of Monmouth) have by prescription belonged to the Chief Justice for the time being, and that he hath always granted the same, for the Lives of the Grantees, who have held them by his admittance only: and that the Office of Clerk of the Treasury of that Court, is all ways Granted by the Chief Justice for the time being, to such Persons as he shall nominate, to continue only during the Time that he continues Lord Chief Justice. And further they did certifie their Opinions to be, that none of the Grants made by his Majesty of any of the Offices, or Clerks Places before in the same Certificate mentioned were good in Law; And whereas this Day was ap-
pointed

pointed by Order of this House, for the hearing of the said Cause. Now upon full debate of the Matter by Council learned on both Sides, their Lordships taking the Business into their mature Consideration, and well approving the Learning, Justice and Integrity of the present Chief Justice, and thinking it most just and meet, that the Rights and Priviledges truly incident, and belonging to the Place of Chief Justice of the said Court of Common-Pleas, should be restored and continued, they have Unanimously Resolved, Voted, Declared and Ordered, That the said Offices of the first and third Prothonotary of the said Court of Common-Pleas, of the Clerk of the Warrants, of the Clerk of the King's Silver, of the Clerk of the Essoignes, of the Clerk of the Treasury, and of all the Phillizers, and of all the Exigenters (except for the County of Monmouth) do by right belong to the Disposition of the Lord Chief Justice of the said Court of Common-Pleas for the time being, and that the Grants formerly made by Letters Patents of the said Offices, or Clerks Places, or any of them, are illegal and void in Law; and it is further Ordered, That the said several Letters Patents herein mentioned, shall be forthwith brought into this House.

July,
1641.

Mr. Comptroller brings a Message from the Queen in Writing, in these Words,

Wednesday.
July 21.

When the Parliament did the other Day, express their Affections to Me, in taking into Consideration the Journey which I had resolved on, for the recovery of my Health, and represented a Desire of My stay, with a tender Care of removing all Occasions of My Indisposition, I could not then give them a positive Answer, such as I desired for their Satisfaction, because I knew not if My Health would give way unto it; but since that Time, I have resolved to venture my Health, and for complying with their Desires, not to go, since My Presence here will be acceptable unto them, and that they conceive it will be for the good of the Kingdom; for I desire nothing more then to let them see, that I shall in all things be ready to gratifie them, and to serve the State, though, as I then said, with the hazard of my Life.

The Queens
Message by Mr.
Comptroller.

Upon the Receipt of which Message it was Ordered, That the Bill for the Queens Joynture, shall be reported this Afternoon, and Mr. Comptroller is to represent to Her Majesty, that this House is very sensible of the favor done by Her Majesty, and that they are thinking of some more solemn way of representing it.

Ordered, That the same Committee that attended Her Majesty before, shall meet with the Committee of Lords, to present Thanks to Her Majesty at such time as their Lordships shall think fit, and a Conference to be desired with the Lords about it, their Lordships having had the like Message from Her Majesty sent to their House.

At which Conference it was agreed to return Her Majesty Thanks in these Words, as was reported by Mr. Hollis.

Both Houses of Parliament have with very much Comfort and Thankfulness received that Gracious Message, whereby your Majesty hath been pleased to declare your Resolution, of staying your intended Journey at their humble Desire, which they hope will be no Prejudice to the Recovery of your Health, but rather an advancement of it, by that Contentment, which You will receive from the continual Expression of their Affection and Zeal.

Mr. Hollis Reports the thanks of both Houses to the Queen for putting off her Journey to the Spaw.

July,
1641.

These Promises were well observed when they voted her Majesty a Traitor afterwards, for assisting the King against them in an Actual Rebellion.

The Queens Answer.

Thursday,
July 22.

Cessation continued 15 days longer.

Zeal to do you Service. And they have commanded Me, in their Names, to declare that both Prayers and Indeavors shall concur in all things tending to your Majesties Wellfare and Prosperity, which they shall ever esteem, as a very great Blessing, both of the Kingdom and of themselves.

To which Her Majesty returned this Answer.

I Am very glad that both Houses of Parliament, have taken my Resolution of staying my Journey in so good Part; they may see by it, I have preferred their Content, before My Health, and I shall still continue to do all lies in My Power to serve the King, and for the good of this Kingdom, and to please them, as they have already seen.

The Cessation of Arms was voted to be continued Fifteen Days longer, from the expiration of the present Term, upon the same Conditions, if the Treaty continue so long.

This Day Mr. Smart, who Articled against Dr. Cosins, was by Order of the Lords restored to his Prebend in Durham, and had also the Vicaridge of Aycliff in the Bishoprick of Durham bestowed on him, upon the Death of Dr. Carr the present Incumbent. So forward was the Zeal of the Faction to incourage and reward these Men, who had been the Opposers of the Government, and the real Incendiaries, by promoting false and scandalous Accusations against the Bishops and the Dignified Clergy.

A Report from the Committee of Seven Ordered, *That the Articles then Reported be kept secret.* They were about the Conspiracy, but not being entred in the Journal, I cannot oblige the Reader with them.

The Earl of Bristol reported the Answer of the Scots Commissioners to the Two Propositions, which the Lords Commissioners were Ordered by this House to propound to them: The Answer was,

Although the extreme necessity of the Army hath been so represented unto us, as that the Arrear, and 80000 l. of Brotherly assistance, have not been sufficient to disband our Army, and pay the most necessary present Charges, yet have we not refused to agree to your desires in every thing within our Power, which moveth us, who are but a few of the Commissioners to offer not only the representing of our present desires to the General and Committees, but the perswading of their condescending so far as necessity can permit, both about the time of disbanding our Army so much desired by us all; and which will be done chearfully and readily as soon as the Articles are ratified in the Parliament here, and the Money that shall be agreed upon sent and received at Newcastle. As also for continuing the forbearance of the payment of 80000 l. for some short time.

But we are bold to desire an Alteration in your Lordships Paper, that it may be the most possible for them to agree thereto; as all the by-gone Arrears would be presently sent to Newcastle, that they may have time to make Accompts, and prepare for Disbanding; so all the Arrears that will be due to the last day of the Payment of our Army may be shortly satisfied, either here at London for answering Exchanges, or sent to Newcastle to help the Disbanding there: And for the 80000 l. that your Lordships would offer to Deliver and Embarque the same here before the Tenth of August, that it may be in Scotland against the King's coming, or the 20th day

Earl of Bristol Reports the Scots Answer about disbanding.

day of the said month at farthest, because divers have lent all their Monies, and sold all their Victuals for the pullick use of the Army, who must now be supplied with some part of their Mony, and price of their Victuals, otherwise it will procure a confusion and grudging among them.

Upon reading the Petition of the Six Persons chosen by the Commonalty of the City of London, it is Ordered by the Lords in Parliament, That the Book of Reversions shall be perused by them, and afterwards with the Books of A. D. E. F. G. H. I. K. L. Z. O. Liber Albus, Transcript Duntorn, Customs, Repertory, Hamersly, Journal of 6 H. 7. Journal Swinerton, Middleton, Hayes Journal, Garroway, shall be brought into the Upper House of Parliament on Monday next being the 26th of this Instant Month of July by Nine of the Clock in the morning, at which time their Lordships have Ordered to bear the said Cause.

Sir John Hotham Reports, That there will be due to the Scots upon the 12th of August 57400 l. 10000 l. is expected from the voluntary Loan of the Members, so that 47000 will be requisite to pay them off.

Ordered, That there shall be a Conference with the Lords to borrow 40000 l. of the City, which the Lords agreed to, and the Poll-Bill was proposed to the Lord Mayor and Aldermen for Security.

This day His Majesty was pleased to give the white Staff to the Earl of Essex, and he was Sworn Lord Chamberlain of His Majesties Household.

Sir Arthur Ingram carries up the Bill with amendments for the certainty of the Forrests, as also a Bill for the Earl of Bedford.

The House of Commons then entered upon the Debate of the Articles from the Committee of Seven, against Mr. Percy, Mr. Jermyn, &c. Upon which they came to these Votes.

Resolved, &c. That Mr. Henry Percy, in the Months of March and April last past, in the Parish of St. Martin's in the County of Middlesex, did Compass, Plot and Conspire with others to draw the said Army together, and to employ them against the Parliament, and by fear and dread thereof to compel the said Parliament to agree to certain Propositions by them contrived, and to hinder and interrupt the Proceedings of the said Parliament.

Resolved, &c. The same against Mr. Henry Jermyn, Sir John Suckling, and Mr. William Davenant.

Resolved, &c. That in pursuance of the said Design, the said Henry Percy by the Plot and Combination aforesaid, did endeavour to persuade divers Members of the House of Commons of the said Parliament, and others, being Officers of the said Army, that is to say, Henry Wilmot, William Ashburnham Esq; Sir John Berkly, Hugh Pollard and Daniel Oneal Esquires, that they were disobliged by the Parliament, thereby to incense and disaffect them against the Parliament, and did hold divers Consultations with the said persons to effect the said wicked and dangerous Designs; and for that purpose did set down in writing certain Propositions to the effect following, that is to say, The preserving of Bishops Votes and Functions, the not Disbanding of the Irish Army until the Scots were Disbanded, and to endeavour the settling of the King's Revenue to the proportion it was formerly.

July,
1641.

Order about
Books to be
used in the
Case between
Lord Major
and Commons.

Friday,
July 23.

Earl of Essex
made Lord
Chamberlain.

Saturday,
July 24.

Votes upon the
Articles from
the Committee
of 7.

The

July,

I 6 4 I.

Further Votes
about Mr. Percy,
&c.

The House fell upon the further Debate of the Articles from the Committee of Seven, and it was

Resolved, &c. That the said Henry Percy in pursuance of the said Plot and Combination for the more secret Carriage, and further Engagement of the said Conspirators, and others the Persons aforementioned, did minister unto the said Henry Jermin, Hugh Pollard, Henry Wilmot, William Ashburnham, Sir John Berkley and Daniel Oneal, a wicked and unlawful Oath, whereby they did Swear upon the Holy Evangelists not to reveal any thing spoken concerning that business in consultation, directly or indirectly, nor to think themselves absolved by any other Oath that should be after taken, from the Secrefie enjoyned by the said Oath.

Resolved, &c. That Mr. Henry Jermyn at the time the said Oath was Administred as aforesaid, and at divers other times did propound and endeavour to perswade the Persons aforementioned, and other Officers of the said Army, to put the said Army into a Warlike Posture, and to bring them up to London, and likewise to make themselves sure of the Tower, and so by force to compel the Parliament to conform to their Will.

Resolved, &c. That the said Henry Jermin, Sir John Suckling, and William Davenant in further Prosecution of the said Design by the Conspiracy aforesaid to disaffect the said Army towards the Parliament, and to work a belief in the said Army, that the King and Parliament would disagree, and so under pretence of adhering to His Majesty, to incense the said Army against the Parliament, thereby the better to compass their wicked Design; and further endeavoured to perswade the Army, that all the French about London would assist them; and to the great scandal of the King and his Government, that the Prince and the Earl of Newcastle were to meet the said Army at Nottingham with a Thousand Horse.

Resolved, &c. That the said Sir John Suckling by the Conspiracy aforesaid, for the better effecting the said wicked Design, under the pretence and colour of some service to the King of Portugal, did raise Men, both Officers and Common Soldiers, and further did contrive, that a hundred of those Men should be put into the Tower of London, under the Command of Captain Henry Billingsley, thereby to possess themselves of the same, as was formerly propounded by Mr. Henry Jermin, that so they the said Henry Jermin, and Sir John Suckling might better effect their said wicked Designs, and have better opportunity to Master and Command the City of London, that the said City should not be able to make any resistance when the said Army should come up according to the aforementioned Design; And the said Sir John Suckling, in further pursuance of the said wicked intentions, did by the means aforesaid Plot and Endeavour that Thomas Earl of Strafford then Prisoner in the Tower for High Treason, and since Attainted and Executed for the same, should make an Escape, that by his Power they might the better compass and bring to pass the said wicked Design.

Resolved, &c. That the said Henry Wilmot, William Ashburnham, Hugh Pollard, Sir John Suckling, Sir John Berkley and Daniel Oneal, by the inticement, practice and insinuation of the said Henry Percy did take the aforesaid unlawful Oath.

Resolved, &c. That the said Henry Percy for the advancement of the said wicked Design did propound unto them the aforesaid three Propositions.

Resol-

Resolved, &c. That the said Henry Wilmot, William Ashburnham, Hugh Pollard, Sir John Berkley and Daniel Oneal, were acquainted with the said Design mentioned in the first Article.

Resolved, &c. That the said Henry Wilmot, William Ashburnham, Hugh Pollard, Sir John Berkley and Daniel Oneal were together with the said Confederates, present at divers Debates and Consultations touching the said Propositions and Designs, which said Propositions, Designs and Consultations the said Henry Wilmot, &c. did not discover, but consented to the same.

Resolved, &c. That the said Henry Wilmot, William Ashburnham, Hugh Pollard, Sir John Berkley and Daniel Oneal being afterwards Lawfully Examined in Parliament upon their Oaths touching the Premises, did wholly deny the same, and the said Sir John Berkley and Daniel Oneal being thereupon questioned, did fly for the same.

The further Debate of this matter was put off until *Wednesday* at 8 of the Clock.

The Earl of *Bath* Reported the Bill for securing of Mony to the Northern Counties, &c. And being put to the Question, it was Resolved to pass.

The Petition of the Lord Mayor and Aldermen of *London*, and the Petition of the Commonalty of the said City were read; and after Council on both sides had had a full hearing concerning the Election of a Sheriff and other Officers; the House of Lords taking the whole business into consideration, Ordered, *That this Cause should be determined on Saturday morning next, in case the Lord Mayor and the Commonalty did not agree and compose the matter in Question in the mean time.*

This was a very perplexing Case at this time, for the Parliament were about to borrow 40000 *l.* of the City to disband the Armies; and if the Cause had been determined either way, in probability it would have given a stop to that Affair, but more especially if it had been decided in favour of the Lord Mayor and Court of Aldermen, who could not easily have raised that Sum without the Assistance of the most wealthy of the Commonalty.

The Lord Chamberlain signified to the House, That he had received divers Letters from the Lord General, which he thought fit to acquaint the House with.

As a Letter desiring to know a certain day for disbanding of both Armies.

Likewise a Letter sent to the Lord General from the Gentlemen in the Bishoprick of *Durham*, complaining of the burthen of the Soldiers there.

And also a List of the Number of the Five Regiments which are disbanded, being 5817 Men: All which being read, the Lord Chamberlain had leave from this House to Communicate them to the House of Commons.

A Petition of the Ministers and People of *Oxfordshire* and *Barkshire* against Bishops was this day read in the Commons House, and referred to the Committee for the Ministers Remonstrance.

A Message from the House of Commons by Sir *John Culpeper*, who brought up Seven Bills which had passed that House, *Viz.*

(1.) *An Act for the declaring unlawful and void the late proceedings touching Ship-mony, and for vacating of all Records and Procefs concerning the same.*

Vol. II.

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(2.) *An*

July,
1641.

Munday,
July 26.
Bill for Northern Counties passed the Lords.
Lord Majors Case about Electing one Sheriff, &c. heard.

Letters about the Army.

Tuesday,
July 27.
Petition out of *Oxfordshire* against Bishops.

7 Bills brought up by Sir *John Culpeper*.

July,
1641.

(2.) *An Act for the preventing of vexatious proceedings touching the Order of Knighthood.*

(3.) *An Act for the free bringing in of Gun-Powder, and Salt-Petre from forreign Parts, and for the free making of Gun-Powder in this Realm.*

(4.) *An Act to settle the Mannor of Belgraves, and other Lands in the County of Leicester, to and upon William Byerley Esq; his Heirs and Assigns, for and towards the payment of the Debts of William Davenport Esq; Deceased.*

(5.) *An Act to enable Sir Alexander Denton Knight, to sell the Mannor of Barvard alias Barford St. Michael, and other Lands in this present Act mentioned for the payment of his Debts, and preferment of his younger Children.*

(6.) *An Act for Alteration of the Estate and Tenure of some Lands within the Parish of Fulham in the County of Middlesex held of the Lord Bishop of London, as of the Mannor of Fulham.*

(7.) *An Act for the making of the Chappel of Hoole in the County of Lancaster a Parish Church, and no part of the Parish of Crosston.*

Report of the
Charge of the
Armies.

Sir John Hotham Reports, That to disband	l.	s.	d.
the Army requires	242619	11	03
Toward which there is paid	152119	11	03
Remains to be provided	90500	00	00
The Charge of the Garrisons	40000	00	00
Total	130500	00	00

When the Earl of Warwick hath Received			
and Paid the	50000	00	00
There will Remain due to the Scots	53000	00	00
Besides the Remainder of the Brotherly assistance	80000	00	00
Total due to the Scots	133000	00	00

Plymouth Bill
passed.

The Engrossed Bill for Confirmation of His Majesties Letters Patents to the Town of *Plymouth*, and for dividing the Parish, and building a new Church there was read the Third time in the Lords House, and being put to the Question, it was Resolved to pass as a Law.

Message from
the King to
the Lores a-
bout Commis-
sions in his ab-
sence.

Then the Speaker signified, *That His Majesty Commanded him to acquaint their Lordships, that because he intends his Journey towards Scotland upon Monday come Sevensnight, and in regard that in his absence heretofore he hath left behind him Two Commissions, the one directed unto the Lords of the Privy Council for ordering of the Affairs of State, and the issuing out of Proclamations upon Emergent Occasions; and the other Authorising a Person of Honour to be Captain General for the levying of Forces on this side Trent, if there should be any necessity for the safety of the Kingdom; His Majesty now thinks it fit to issue out the like Commissions for the said Publick Services in his absence, with some Variations and Omissions, according to the Occasions, and hath named the Lord Chamberlain to be Captain General on this side Trent; but His Majesty would execute nothing therein until he had made the same known to both Houses of Parliament desiring their Concurrence and Assistance in all his great Affairs.*

Further

Further it was signified from His Majesty, *That the Spanish Ambassador did send a Writing unto His Majesty, wherein he presseth His Majesty for some of the Irish Companies lately disbanded to be employed in the Service of the King of Spain; and that His Majesty hath Commanded that the said Writing shall be Communicated to both Houses of Parliament, and he desires their Advice therein.*

Upon which a Conference was desired by the Lords, at which the Lords declared their Resolution, *That they would do nothing in it till Three Points were cleared,*

First, *That the Ambassadour should set down the particular number of Men he desires.*

Secondly, *The time When.*

Thirdly, *The manner How, and the Place from Whence he intends to Transport the Soldiers.*

Mr. Hambden made a Report from the Earl of Pembroke, *That he had received Letters from the Queen of Bohemia, wherein she gave humble thanks to the Parliament for their Regard and Consideration of her.*

There was also another Letter read from the Earl of Holland, to desire, *That both Armies might be disbanded together, for the honour and safety of the Kingdom.*

This day the Bill Entituled, *An Act for the securing the True Religion, the Safety and Honour of His Majesties Person, the just Rights of the Subject, and the better discovery and punishment of Popish Recusants* was read a Second time, and after a long Debate of the House, it was Resolved by the major part

That this Bill be Rejected.

The Reader is to understand, that under the glorious Title with which this Bill was guilded, the main matter of it was the taking away the Peerage of the Bishops in Parliament; which since they could not effect by the former Bill, they thought to slide in under these specious pretences of preserving Religion, &c. but the House of Lords had too many Wise and Noble, Just and Honourable Persons in it yet for the Faction to effect their Design.

After this the Lord Mayor of London, and the Aldermen, &c. were called in, to give an Answer to the Proposition for lending 40000 l. and the Lord Mayor signified, *That he hath already prepared 34500 l. part of the 40000 l. and the full Sum will be made up this night, and further he acquainted the House, that he hath received 18000 l. of the Poll-mony.* For which service and readiness in this business the Speaker gave the Lord Mayor and Aldermen and the rest thanks from this House.

The Earl of Bath reported the effect of the Conference about disbanding, that the Commons delivered these four Resolutions.

(1.) *That the Ninth day of August next shall be the day appointed for the marching away of the Scots Army.*

(2.) *That the mony due for relief of the Northern Counties is ready, and that if they shall desire any reasonable assistance for the conveying of it, they will be ready to assist them in the best manner they can.*

(3.) *The House of Commons desires, that the English Lords Commissioners may move the Scots Commissioners to put off the time for the payment of the 80000 l. part of the Brotherly Assistance, till the first day of September next, and that notwithstanding they will pay it sooner if they can.*

July,
1641.

Mr. Hambden Reports the Letter from the Queen of Bohemia.

The Bill for securing the true Religion, &c. rejected.

Earl of Bath reports the Conference about disbanding.

July,
1641.

(4.) That after the Scots have declared their Assent of disbanding, that then our Army shall be disbanded with all possible speed; and the Horse to be first disbanded.

Upon which it was Ordered, That this House doth agree with the House of Commons in all the aforesaid Resolutions, and do further Order, That the Lords Commissioners do resume the Treaty with the Scots Commissioners, and prepare it for a Conclusion.

After the Conference with the Lords about the Disbanding, the Commons fell into Debate concerning the Kings Journey into Scotland, and it was,

Resolved, &c. That the Lords be desired by this House in a Conference, to joyn with this House in a Petition to His Majesty, to appoint a Custos Regni, or Locum tenens during his Absence out of this Kingdom; and amongst other things, in special to give him Power, to give the Royal Assent in Parliament, and to do such things as the King might do if he were present.

Resolved, &c. That His Majesty be likewise Petitioned, That an Act of Parliament may pass to this Effect, That such Commission shall not be repealed, until His Majesties return from Scotland to the City of London or Westminster, or be present in full Parliament.

Which two Resolves were communicated to the Lords at a Conference.

Upon Information this Day unto this House, That Sir George Radcliff being now a Prisoner in the Gate-House, was indisposed in his Health, by reason of the closeness of the Place where he remaineth, and that he was an humble Suitor to their Lordships, that he might receive the Favor to go into the Fields with such Keepers, as their Lordships should think fit; It was Ordered, That the said Sir George Radcliff shall have the Liberty by Virtue of this Order, to go into Chelsey Fields, or any other Fields near thereabout, to take the Air for his Health, at such times as he shall desire it.

The Earl of Bristol Reports the Scots Answer, about the disbanding their Army which was read in hæc verba.

Whereas the Removal of the Scottish Army is desired against the 9th of August, upon the Receipt of a Paper from your Lordships of the 22 of July, we did immediately represent the same to the Lord General and Committees, from whom we expect very satisfactory Answers by the Earl of Dumferling and Lord Lowdon, and for hastning the disbanding, we did in our Answer of the 21st of July, desire that the Arrears might be then delivered and sent to New-Castle, that we might finish our Accounts, and pay our Debts in those Countries, and be better prepared for our Disbanding; but we conceive, that the not timely delivery of the Arrears, shall prove the greatest Impediment in our removal: therefore We do remit to the Parliaments consideration, to take some speedy course for sending of the whole Arrears. As for the delay of the Payment of the 80000 l. we have also represented the same unto the General and Committees, according to the days mentioned in our Paper of the 22 of July, whereof we do expect an Answer by the Earl of Dumferling and the Lord Lowdon.

The Bill against Ship-Money being read a third Time this Day, and put to the Question, it was resolved to pass for a Law.

After which the Lord Major and Aldermen, and Commons of London were called in and asked, Whether they had composed the Differences between

Thursday,
July 29.
Votes to desire
a Vice-Roy during
the King's
absence in
Scotland.

Sir George Radcliff
has liberty
to take the
Air.

Scots Commissioners
Answer
about disbanding
the Army.

Act against
Ship-Money
passed the
Lords.
Lord Major's
Cause heard
and referred.

between themselves concerning the Election of the Sheriff? But it being Answered, That they had a meeting about it, yet could not agree, This House took the Cause into Consideration, having heard the Objections on both Sides, and at last appointed these Lords Committees; viz. Lord Privy Seal, Lord Chamberlain, Earl of Bath, Earl of Bedford, Earl of Bristol, to try if they could accommodate the difference between them, and settle Peace amongst them, if not, to report the same to this House. And their Lordships, or any five or more, to meet at 5 of the Clock this Afternoon in the Painted Chamber, and the Lord Major and Aldermen, and some of the Commons to be present.

July,
1641.

Mr. Bagshaw Reports the Articles against the Bishop of Bath and Wells, which were all read, but are not entred in the Journal. But that the Reader may see, they were of the same Leven with those against the Bishop of Ely, and that indeed the Crime was, being a Bishop, I will subjoyn some Articles, which an Informer one Mr. James a Minister in his Diocess exhibited against him, whereby it will appear, That as the Accusation was the effect of Malice and Revenge, those Prosecutions proceeded from the same bitter Fountain.

Friday,
July 30.

Articles of Information against the Bishop of Bath and Wells by one James a Minister in his Diocess.

1. **H**E hath *Ex officio* convented me before him, for having two Sermons Preached in my Church on *Michaelmas* Day, to the great disturbance and hinderance of the Sale of the Church-Ale, as his Lordship pretended, and further Examined me upon Oath, whether I had not the said Sermons Preached for the same purpose and intent, admonishing me for the future, neither to Preach my self, nor suffer any other to Preach in my Cure, in the afternoon, of either the Lords Day, or Holy Days.

2 I heard him say to his Register, That whereas Information had been given concerning certain Ministers, that they expounded upon the Catechism, this Information was too narrow to catch them, and therefore it should have run thus, That they Catechised or expounded upon the Catechism Sermon-wise, and then they would have been obnoxious to censure.

3. At the meeting to Elect Clerks of the Convocation he threatned to send forth Censures of the Church, against all that would not pay in the Benevolence, late granted, in the late Synod, within a Fortnight after the second Day of *November* last past; And further at the said Election, his Son gave eight single Voices; two as Arch-Deacon of Bath; two, as Prebend of the Church of Wells; two, as Parson of *Buckland St. Mary*; two, as Vicar of *Kingsbury*: and many others also there present, gave as many double Voices, as they had Benefices and Dignities; against which one Mr. *Roswel* protested, saying, that it was Illegal; The Bishop replied, that they gave in several capacities, and thereupon commanded him silence, saying, that he was a Young man.

4. That upon the meer Information of Mr. *Humphrey Sydenham*, Rector of *Buckington*, that in a certain Sermon Preached at the Visitation of the Arch-Deacon of *Taunton*, I bespattered the Clergy; The Bishop Summoned me before him down to Wells, and there objected unto me, that I had Preached a Scandalous Sermon, wherein I had cast some aspersions on some of the Clergy. Upon which charge I proffer'd to bring in an exact Copy of the Sermon I Preacht, and to depose, that I spake neither more nor less, then was contained in the said Copy; This the Bishop would not accept of, saying that he would not have the Ministers, who came to witness against me, troubled with a Second Journey: One of my Proctors desired time, till the next Court Day, for me to give in my answer; the Bishop commanded him to hold his Peace: and the other Proctor though he was retained by me, and had received a Fee, never opened his mouth, pretending unto me, that because the Bishop was so highly displeased with me, he durst not appear on my behalf. Being denyed time to give in my answer at the next Court Day, I desired respite until the afternoon,

July,
1641.

terncon; this also was denied; In fine, contrary to the rules of their own Court, he examined witnesses against me, and proceeded to Censure me, before he received my full answer; he would not hear the answer, which I could give to the Articles objected to me, which I profer'd to give, and which he had by Oath required me to give; further, by vertue of the Oath he administred unto me, he questioned me not only concerning matters of outward fact, but also concerning my most secret thoughts, intentions and aims. Moreover whereas the Witnesses confessed that I only said, in the foresaid Sermon, that some put the Scriptures into a Staged dress; the Bishop persuaded them, that, that expression was equivalent with the Article objected, that some mens Sermons were Stage-Plays, and they by his persuasion, swore down-right, that I said some mens Sermons were Stage-Plays; The Doctor made an Act and Order, that I should make publick retraction, which I refused to do, and appeal'd unto the Arches; But upon either the Bishops, or M. Sydenham's Information, my Proctor *Hunt* renounced my Appeal, and Sir *John Lamb* dismissed the same cause, without hearing, unto the Bishop again.

5. The Church-wardens of my Parish, by order from the Bishop, were enjoined to turn the Communion-Table, and place it Altar-wise, &c. Now they, that they might neither displease the Bishop, nor transgress against the Rubrick of the Liturgy, made it an exact square Table, that so notwithstanding the Bishops Order, the Minister might still Officiate at the North-side of the Table; M. *Humphrey Sydenham* Informed against this, and upon Information, the Bishop sent to view it; and upon his view he certified the Bishop, that it was like an Oyster-Table, whereupon the Bishop ordered the Church-wardens to make a new one.

6. Upon Mr. *Humphrey Sydenham's* Information that M. *John Pym* was a Parliamenteer, the Bishop would not suffer me any longer to sojourn in his House, although before such Information he gave me leave: And when I demanded of some of his Servants, the reason why his Lordship had thus changed his mind, they told me that his Lordship was informed by M. *Sydenham* that M. *Pym* was a Puritan.

By which last Article it is evident the finger of *Joab* was in this matter, and Mr. *Pym* in whose House this Informer Sojourned, was a very great Master, and it seems found an apt Scholar of this Nonconformist, in the Art of blackning; and nothing can be more plain then that because the Bishop had Prosecuted this Minister for his Non-conformity, therefore out of Revenge he now persecuted the Bishop; and in telling his own Story it is fairly to be presumed he puts the best Foot forward, and does not *Ex officio* tell us his own real Guilt, which was obstinate Non-Conformity, and frequent railing against the Bishops and Church-Government, the common Theams upon which these Persons, who appeared so zealous for Preaching, employed their Talent both in the Morning and Afternoon. And this was the true reason why the Bishops of that time were against Lectures and Afternoon Sermons, because they saw those Ministers who were most forward for them, were wholly addicted to this way of abusing the Ordinance of Preaching, to unsettle the Minds of the People and disturb the Publick Peace. And wisely it was forseen, could it have been as easily prevented; for from the Pulpit were the first Seeds of Rebellion sown among the People, from thence they were cultivated and improved into actual War against the King, as the sequel of this History will shew.

This Day the Bill for taking the Protestation being read in the House of Lords, it was by their Lordships urged, *That though they approved of the taking of it by the Members of each House, yet they did not of the General taking of it throughout the Kingdom.* Upon which the Bill was dismissed, of which the Commons having Notice, they presently laid it upon the Bishops, and Popish Lords in the House, and came immediately to these Votes upon it.

Resolved,

The Bill for all Persons taking the Protestation thrown out of the House of Lords.

Resolved, &c. That this House doth conceive that the Protestation made by this House, is fit to be taken by every Person that is well affected in Religion, and to the good of the Common-Wealth; and therefore doth declare, that what Person soever shall not take the Protestation, is unfit to bear Office in the Church or Common-Wealth.

Resolved, &c. That the Knights, Citizens and Burgeses, and the Barons of the Cinque Ports respectively, shall forthwith send down to the several Places for which they serve, Copies of this Vote of the House, concerning the Protestation.

Resolved, &c. That these Votes shall be printed, and Attested under the Clerks Hand.

It was also Ordered, That a Committee shall prepare an Impeachment against the Bishops, the Makers of the New Canons and Oath, upon the Votes that have past both Houses concerning these Canons and Oath, to meet this Afternoon in the Inner Court of Wards.

The farther Debate concerning the Bill for abolishing Episcopacy, was this Day reassumed by the Commons, who were extremely Nettled at the throwing out the Bill for taking the Protestation out of the Lords House, and it was Ordered, That the Knights and Burgeses of every County, bring in the Names of nine Persons, who were to be Ecclesiastical Commissioners upon whom the Power of the Church Government should be devolved, and that no Clergy-Man should be of the Commission.

So that upon the Matter, here was to be a thorough Reformation indeed, and not only the Bishops were to be excluded from Government, but even all the Inferior Clergy. A Government so far from Primitive, that no Age ever saw any thing like it, and which had it succeeded, would have justified the Vulgar Scomm of the Papists, that our Religion is a Parliament Religion.

The Treasurer of the Navy made a Report, that there is due to the King's Navy 113000*l*.

In the House of Lords this Day, was made an Order for the more secure conveyance of the Money to the Army.

WHereas His Majesties Treasure for his Army, is forthwith to pass thorough several Counties unto York, forasmuch as it is held fit for the more safe Conveyance of it, that the same should be guarded by Day and Watched by Night, These are therefore in the Name of the House of Parliament, straightly to Charge and Require you, in your several Counties respectively, to appoint some able and sufficient Persons of Quality, to aid and guard his Majesties said Treasure from Time to Time, and from Place to Place through the several Counties, and to appoint some like Able and Sufficient Men to Watch and Guard the same by Night, at every Town and Place where the same shall stay, as Occasion requires. You are likewise to provide convenient Rooms for the Treasure, and Lodging of those that attend it, and Carts and Teams for the conveyance thereof, paying the usual Rates: wherein you may not fail to use all possible Care and Diligence, as you tender the high Displeasure of this House, and will answer the contrary at your utmost Perils, for which, this shall be a sufficient Warrant. Dated the second Day of August 1641.

To all Majors, Sheriffs, Justices of Peace, Bailiffs, Constables, Headboroughs, and all other his Majesties Officers and loving Subjects

July,

1641.

Votes about taking the Protestation and impeaching the Bishops.

Saturday,
July 31.

An Order of the Lords for secure conveyance of the Money to the Army.

August,
1641.

Monday,
August 2.
Difference between the Lords and Commons about printing the Votes for taking the Protestation.

Several Bills passed the Lords House for *Hool* Chappel, for Gun-Powder, and for *Stannery* Court, and *Eggars* Free-School.

Tuesday,
August 3.

Mr. *Hollis*'s Speech in justification of the Votes for taking the Protestation, Aug. 3. 1641.

jects whom it may concern, to be aiding and assisting to *William Harrison* and *Nicholas Goldsborough*, and other Conductors of the said Treasure.

The Lords being startled at this way of Procedure, in the Commons in the Votes of *Friday* about the Protestation, sent a Message to them for a Conference, but the Message not expressing the Subject of it, the Commons took it ill, and refused to meet, as being contrary to the Custom of Parliament, but afterwards they sent by Messengers of their own, desiring to know of their Lordships the Occasion of their former Message : upon which their Lordships informed them, that it was about the printed Papers injoyning the taking of the Protestation. Whereupon a Conference being had, the Lords acquainted them, that they desired there might be a fair Correspondence between both Houses, and in Order thereunto, they desired to be satisfied of two things by the Commons.

1. Whether those Printed Papers were the Votes of their House ?
2. Whether they were Printed by their Command ?

To both which they were Answered affirmatively, and that they would give their Lordships further satisfaction in it.

This Day these Bills being thrice read in the Lords House, and put to the Question were passed there.

1. The Bill for making the Chappel of *Hool*, a Parish Church.
2. The Bill for free bringing in of Gun-Powder, and Sal-Petre from Forreign Parts, and for the Free making of Gun-Powder in this Realm.

3. The Bill for regulating the *Stannery* Courts.

4. The Bill for *Eggars* Free-School in *Alton* in *Com. Southam*.

At a Conference this Day with the Lords, Mr. *Hollis* made this following Speech in Justification of the Votes of the Commons upon *Friday*, concerning the General taking of the Protestation.

My Lords,

I Am commanded by the Knights Citizens and Burgesses to present unto your Lordships their Answer to what was proposed yesterday.

1. They take notice of your Lordships desire, that a true intelligence may be kept between the two Houses, for so your Lordships did express it.

In this they do with all cheerfulness concur with your Lordships, as knowing this conjunction between your Lordships and them is the *Golden Chain* which binds up in one *Gordian knot* the Strength, the Beauty, the Happiness of this Kingdom, which so knit together is not to be broken in sunder of the fiercest viloence.

Therefore who desires to unlink this Chain, and dissolve this Knot, or fails of his part to the preserving and continuing it fast, and firm, and entire, let the sin of it lye at his Door ; nay, let it come into the midst of his House, and consume it, let him perish, and his posterity Inherit only his shame.

So careful will the House of Commons be to cherish and maintain this good correspondency with your Lordships in all things.

Then for the business about which your Lordships were then pleased to confer with them ; which was a Printed Paper you had met withal, as you said, in your House, setting forth some Resolutions of the House of Commons : concerning which you have put unto us these two Interrogatories, viz. The first and second Votes, which were read, As before *Friday* 30 *July*.

And not finding this Paper attested by the Clerks under his Hand, they could not judg of it, till they had resorted to his Book where their Orders and their

Votes

Votes are entred : where they found their Votes concerning their late Protestation, taken both by your Lordships and them, and they found the contents of this Paper to agree *in terminis* with what is entred in their Clerks Book.

July,
1641.

Then they called to mind what had passed in the House upon that occasion when those resolutions of theirs were Voted : How they had considered of that Protestation that it bound all men to defend the Religion here Established, &c.

This they conceived to be a true Test of every good Subject, a *Shibboleth* to distinguish the *Ephramites* from the *Gileadites*, that whosoever was well affected in Religion, and to the good of the Common-wealth, would make this Protestation : and on the other side, who would not make it was not well affected.

And such a man they held it their duties, in discharge of the trust reposed in them by the whole Body of the Kingdom, all the Commons of England, who have sent them out as so many Sentinels to watch for them, to give them notice of the good or the evil, Friends or Enemies, coming towards them, they held it I say, their duties to declare their Opinions, that such a Man was not their Friend, was unfit to bear Office either in Church or State, and therefore they passed this Vote, that it is a thing fit and necessary to be done by them ; and for such they do avow it.

And besides, they thought it fit to give an account to those who had employed them, the several Counties and Burroughs that sent them, to give them a mark, by which they might know who were good men, lovers of their Countrey, fit to be intrusted with Offices, with the oversight of any part of Church or State : and therefore they gave order this Vote should be sent down unto all the parts of this Kingdom.

And lastly, that it might be done speedily, and not stay the Writing out of so many Copies, they gave order it should be Printed, and be attested under the Clerks Hand, with order, &c.

The Copies of which three orders your Lordships have in this Printed Paper, which the Commons assembled in Parliament have Commanded me to signify unto your Lordships, and that the passing of these Votes they do own, they do avow, they do justify.

Mr. Serjeant *Wild* Reports from the Committee, for the Impeachment of the Bishops for the New Canons, &c. But the further consideration of it was deferred till the next day, and the House entred upon the further Debate of the Bill for abolishing Episcopacy.

Two Private Bills one for Mr. *Byarley*, the other for Sir *Alexander Denton*, were passed the House of Lords this Day.

Then a Letter dated the 27th of 1641 was read, sent from the Speaker of the Lords House in *Ireland*, to the Speaker of the Lords House in *England*, and because the House conceived this Letter entrenched upon the Jurisdiction and Priviledge of this House, therefore it is Ordered, That the *L Chamberlain*, *E. March* and *E. Bristol*, *Viscount Say and Seal*, do attend the King, and shew him this Letter, and desire him from this House, that he will be pleased to make stay of the passing of those Acts of Grace and Favor that are in Treaty concerning the Kingdom of *Ireland*, until this Business be determined in this House ; and further humbly to desire, that the Levying of the 14 thousand Soldiers in *Ireland* may be stayed, if it be not already done ; Then these Lords, *L. Privy Seal*, *E. Bath*, *E. Southampton*, *Episcopus Lincoln* were appointed to have power from this House to search Records, and Presidents concerning *Ireland's* dependency upon this Kingdom, and to report the same to this House.

Exceptions taken at a Letter from the Speaker of the Lords House in *Ireland*, to the Speaker of the Lords House in *England*.

Wednesday,
August 5.

The House of Commons was informed that the E. of *Warwick* hath

July,
1641.

The Impeachment of the Bishops for the New Canons & Oath,
Aug. 4. 1641.

paid the Scots 50000 l. and will have to morrow 52300 l. more ready for them, which is all the Arrear that is due to them.

Serjeant *Wild* Reports the remaining part of the impeachment of the Bishops concerning the New Canons, which being read and assented to, was immediately engrossed and by him sent up to the Lords, where he delivered it in this manner at the Bar of the Lords House.

My Lords,

THe Knights, Citizens, and Burgesses of the Commons House of Parliament, being sensible of the great infelicities and troubles, which the Common-wealth hath sustained by the exorbitant courses of the Bishops, and knowing well that the Wise man saith, That if Sentence be not speedily executed against an evil Work, the Hearts of the Sons of Men are set upon further mischief; The timely redress whereof doth better become the Wisdom of Parliament, then a too late woful repentance, have commanded me to represent unto your Lordships, That

*Walter Bishop of Winchester,
Robert Bishop of Coventrey and Lichfield,
Godrey Bishop of Gloucester,
Joseph Bishop of Exceter,
John Bishop of Asaph,
William Bishop of Bath and Wells,
George Bishop of Hereford,
Matthew Bishop of Ely,
William Bishop of Bangor,
Robert Bishop of Bristol,
John Bishop of Rochester,
John Bishop of Peterborough,
Morgan Bishop of Landaff,* together with

William Arch-Bishop of Canterbury, and others of the Clergy of that Province, at a Convocation or Synod for the same Province begun at London in the year 1640, did contrive, make, and promulge several Constitutions and Canons Ecclesiastical, containing in them divers matters contrary to the Kings Prerogative, To the Fundamental Laws and Statutes of the Realm, To the Rights of Parliament, To the Propriety and Liberty of the Subjects, and matters tending to Sedition, and of dangerous consequence.

And to add the more weight and efficacy to this their monstrous design, They did at the same Synod under a Specious and fair Title grant a Benevolence or Contribution to His Majesty, to be paid by the Clergy of that Province, contrary to Law: It rested not there, for though this had been enough to have affrighted and terrified the Kings People with strange apprehensions and fears: yet that these might not seem to be contrivances of the Brain or Fancies only, they were put in execution, and were executed upon divers with animosity and rigour, to the great oppression of the Clergy of this Realm, and other His Majesties Subjects, and in contempt of the King and of the Law.

Whether these Persons, my Lords, that are culpable of these offences, shall be thought fit to have an Interest in the Legislative power your Lordships wisdom and justice is able to judg.

But for these matters and things, the Knights, Citizens and Burgesses of the Commons House in Parliament, in the name of themselves, and of all the Commons of *England*, do Impeach the said Bishops before named, of the Crime, and misdemeanors before expressed, and do therefore pray that they may be forthwith put to their answers in the presence of the Commons, and that such further proceedings may be had against them as to Law and Justice shall appertain.

Whether the Lords were satisfied with this Declaration of the Commons Reasons about the Protestation is uncertain, but however they were satisfied, that the Commons were Resolved to have it so, with or without

without their Consent; and possibly they saw that had they opposed a thing, then so Popular as this was, the enraged Commons would have impeached the greatest number of them who had opposed it, as well as they did the Bishops, or at least have exposed them to the Popular Rage of the Tumults, as they did the *Straffordians*, and by that means have excluded them the House, without the help of either a Vote or Bill.

And from this Speech I am assured the most Partial Reader may easily satisfy himself, what was the Original Design and Intention of this Solemn Protestation, which at first appeared so harmless and Innocent, that even many of the Bishops themselves took it. For that it was not Religion, but a perfect Politick Stratagem to enable the Faction, to accomplish their long intended Design of altering the Government, this Speech makes evident beyond the Possibility of Doubting, it was to be the Shibboleth of the Party, and the Character of Persons fit to be trusted with Offices and Power, both in Church and State. Thus did these Politicians stalk with Religion, and make use upon all Occasions of that Sacred and Venerable Name, the better to gain the Esteem of the People, and to be able by their power more effectually to accomplish their own Designs.

Mr. Pym Reports the Conference with the Lords about disbanding *That the Earl of Bristol was pleased to say, That the Business he was to speak of, was of great Importance, and that no other Business but would be delayed at less Charges then this might be.*

That the Lords Commissioners propounded to the Scots Commissioners to march homewards the 9th of August, but many of them being then out of Town, their Answer was uncertain: but now my Lord of Lowdon being returned out of Scotland, the Commissioners met yesterday, and they gave this Answer.

It is impossible for them to return the 9th of August, or any other prefixed Day, because the removal of their Army, depends upon the whole Arrears due to them from Us, and of 80000 l. part of the Brotherly Assistance which was promised by Us, they should receive: and without this, they could not disband their Army; yet undertake, that though there be no prefixed Day, yet within 48 Hours after Payment of the Monies at New-Castle, they would not stay under any Roof, till they were out of the Kingdom.

It was proposed to them to receive the 80000 l. the 10th of September. My Lord Lowdon returned this Answer.

That there is an absolute impossibility to give Satisfaction to their Army to march away, unless they have with their Arrears the 80000 l. for that they are in debt to their own Army 30000 l. which must be paid now. And he further added, That nothing but an impossibility should make them stick at any thing the Parliament doth desire.

My Lord of Bristol said further in his own Name and the Name of the Lords Commissioners for England, *That it was fit for both Houses, to joyn together to pluck up this Business by the Roots.*

He said, *That whereas there is about 28000 l. Debt due from the Scots to the County Palatine of Durham and New-Castle, Certified under the Commissaries Hands, that they would be content that that Summ might be deducted out of the 80000 l. here, if the Country will be Content to be paid by the Parliament, and desired that a Letter might be sent to the Commissioners of those Counties, to treat with the County to get their consent accordingly.*

August,
1641,

He said further, *That this matter did not stand upon one string, there is another matter which is concerning the Treaty: the Commissioners being now returned, have brought word that the Parliament in Scotland have viewed and passed the Treaty, only some few things of Explanation altered; some other things there were, wherein they were not fully satisfied in their demands, yet have declared this should breed no difference, but would leave it to be settled by Commissioners at better leisure. And so they have agreed this day to meet to Collate the Treaty, and have resolved to draw it into the form of an Act of Parliament, and they hope to finish it within a day or two.*

The next thing was for the Security of the 220000 l. behind of the Brotherly Assistance, and this was yielded to in the general, having formerly signed this, therefore desire this House to hasten the Bill for the Security for the payment of this Money, and that some 5 or 6 be named of the Commissioners, to whom they might resort for the same; and the rather to hasten this because the King takes his Journey on Monday for Scotland.

This being, after the Conference, debated in the House of Commons, Sir William Darcy, Sir John Conyers, Mr. Hallyman, Mr. Selwin, and Mr. Lilburn undertake that the Country would not only accept payment of the Billet from this House, but will thank this House if they shall please to appoint any such Course for the payment of the Billet.

Whereupon it was agreed, That the House will undertake it, and pay 28000 l. in November next or sooner: Mr. Speaker to write Letters to this purpose for the consent of those Counties.

It was also Ordered, That the Knights, Citizens and Burgeses endeavour to expedite the gathering in of the Poll-mony in their respective Counties and Places, and the sending up what is received.

Upon the Petition of the Lady Margaret Wotton Baroness of Marleigh, complaining of an Indictment and Conviction of Recusancy, prosecuted against her contrary to the Priviledges of Parliament: It is Ordered, That a Certiorari do issue forth to Return the Indictment into this House, and that a Writ of Errour may also be brought to Reverse the Conviction, if any Error shall be found therein, whereupon their Lordships will proceed according as they shall think fit.

The Lord Bishop of Lincoln reported the Conference with the Commons concerning the Judges to this effect.

That the House of Commons had formerly brought up six Impeachments against six several Judges, one whereof was for High-Treason: the proofs of which Impeachment will not arise from Witnesses, but out of Records, which have been Voted by this House already to be illegal, &c. It was further said, That the House of Commons do understand that several Commissions are lately made to these several Judges, who are Impeached for several Misdemeanours, to go Circuits in several Counties in this Kingdom, but they conceive, that their Names will be unacceptable, and their Persons unwelcome; and, being thus Impeached, to become Judges of Mens Lives and Estates will be a thing of great offence and distraction.

Therefore the House of Commons desired that all the Commissions granted to the Peccant Judges may be superseded, and that their Names may be no more Used in Commissions, and when the great Affairs now in agitation be dispatched, they desired their Lordships to take their Impeachments into Consideration, and proceed therein according to Justice.

Ordered,

Order about
the Lady Wot-
ton a Recusant
Peccers.

The Report
of the Confe-
rence about
the Impeach-
ment of the
Judges.

Ordered, *That this House Consents to both these Requests of the House of Commons touching the aforesaid Judges.*

This day the Lord Bruce was introduced with the usual Ceremonies, his Patent bearing Date Aug. 2. 1641.

The Earl of March reported to this House, *That His Majesty is pleased to like well of the Advice of this House concerning the staying of the Acts of Grace and Favour, which were to be passed for the Kingdom of Ireland, and will give order it shall be done accordingly, until this House hath considered of the Letter sent to the Lord Keeper from the Speaker of the Lords House in Ireland.*

The Earl of Bristol reported the Propositions and Articles given in by the Scots Commissioners, after the Lord Lowdon's return from the Parliament of Scotland, which were read as followeth.

“ **T**hat the Treaty of Peace may be brought to a speedy and happy Close, we do offer to your Lordships Consideration the following Particulars.

I.

“ That as soon as the *Scottish* Army shall remove out of *England* to *Scotland*, the *English* Garrisons of *Berwick* and *Carlisle* may remove simul & semel.

II.

“ Lest Malefactors who have committed Murder, and the like Crimes, crave the Benefit of the Act of Pacification and Oblivion, for whom it is no ways intended, there would be an Exception from the said Acts of all Legal pursuits intended; or to be intended within the space of one year after the Date of the Treaty against Thieves, * Horners, Out-lawyers, Fugitives, Murderers Broken men, or their Receptaries, for whatsoever Thefts, Rifles, Hardships, Oppressions, Depredations or Murders done or committed by them, and all Lawful Decrets given or to be given by the Parliament, or any Commissioners to be appointed by them for that effect, who shall have power to Dignosce and take Cognition, whether the same falls within the said Act of Pacification or Oblivion or not.

III.

“ It is desired that the demand concerning the not making or denouncing War with Forreigners, without consent of both Parliaments, may be condescended unto by the King and the Parliament of *England* which is Ordained and Universally observed in all mutual Leagues, which are both Offensive and Defensive; and because the Wars denounced by one of the Kingdoms with Forreigners, although made without consent of the other Kingdom, will Engage them by necessary Consequence: Or if the Consideration of this Proposition shall require longer time then the present Condition of the Important Affairs of the Parliament may permit, and lest the speedy Close of the Treaty be thereby impeded, it is desired that this Demand with the other Two Articles of the same Nature, the one concerning Leagues and Confederations, and the other concerning mutual Supply in case of Forreign Invasion, may all three be remitted to Commissioners to be chosen by both Parliaments, who shall have Power to Advise and Treat there-

August,
1641.

Lord Bruce
introduced

The Kings
Answer about
the High Acts.

Propositions
of the Scots
Commission-
ers and An-
swers of the
English Lords
Commission-
ers, August 5.
1641.
Propositions
for the conclu-
ding the Peace
with the Scots.

* A Secret word
for Excom-
municate Per-
sons.

August,
1641.

“thereupon for the good of both Kingdoms, and Report to the Parliament Respectively.

I V.

“It is desired, That the Articles concerning Trade and Commerce, Naturalization, mutual Priviledge and Capacity, and others of that nature already demanded, may be condescended unto by the King and Parliament of *England*; and namely that demand anent the Pressing of Men and Ships by Sea or Land: Or if shortness of time may not permit the present determination of these Demands, it is desired, that the same, except so many of them as are already agreed unto by the Commissioners for Trade, may be remitted to Commissioners, to be chosen by both Parliaments, who shall have Power to Treat and Advise thereof for the good of both Kingdoms, and to make Reports to the Parliament respectively; and that the Charters or Warrants of the *Scottish* Nation for freedom of Shipping in *England* or *Ireland* from all Customs, Imports, Duties and Fees more then are paid by the Natives of *England* or *Ireland*, granted by King *James* under the Great Seal of *England* upon the 11th day of *April*, in the 13th year of his Reign, and Confirmed by King *Charles* upon the 19th of *April*, in the 8th year of his Reign, may be Enacted and Ratified in this Parliament.

V.

“That the Extracts of Bonds and Decrets upon Record, and Registers in *Scotland* may have the like Faith and Execution as the *French* Tabellons have in *England* and *Ireland*, seeing they are of a like Nature, and deserves more Credit, and if this cannot be done at this time, that it be remitted to the former Commission from both Parliaments.

V I.

“The manner of Safe Conduct for Transporting the Monys from *England* or *Scotland* by Sea or Land, would be condescended unto in such way as the Charges be not Exorbitant, and may be presently known.

V II.

“The Tenor of the Commission for Conserving of Peace, would be condescended unto, together with the Times and Places of meeting, and whole frame thereof, the draught whereof, when it is drawn up in *England* is to be represented to the Parliament of *Scotland*, that they may make the like Commission, and name their Commissioners for that effect.

V III.

“The Parliament of *Scotland* do join their earnest and hearty desires, and craves the Parliament of *England*'s Concurrence, that none be placed about the Prince's Highness, but such as are of the Reformed Religion.

I X.

“That an Act of Parliament of Publick Faith for payment of the 220000 *l.* which is Arrear of the Brotherly assistance may be present-
“ly

ly framed and expedited according to the Terms agreed upon.

X.

“ It is desired that the *Quorum* to whom the Scots should Address themselves for payment of the 220000 l. be condescended upon.

XI.

“ That the Order for recalling all Proclamations made against His Majesties Subjects of Scotland, be drawn up, and intimate in due Form and Time, with the Public Thanksgiving at all the Parish Churches of His Majesties Dominions.

XII.

“ It is desired, That the Articles concerning the Castle of *Edinburgh*, and other Strengths of that Kingdom may be understood to be, that the same shall be disposed of for the Weal of the Kingdom, as the King and Parliament shall think Expedient.

The English Lords Commissioners Answers.

That upon the disbanding the Scottish Army, the Garrisons of Berwick and Carlisle shall be removed according to the Articles of the Treaty in that behalf.

The Second Article is condescended unto, according to the Proposition added to the Act of Pacification.

The Third Demand concerning making of War with Forreigners, with the other Two Articles concerning Leagues and Confederations, and concerning mutual Supply and Assistance against forreign Invasion, is agreed to be referred to Commissioners to be chosen by His Majesty and the Parliaments.

As likewise the Fourth, Fifth and Sixth Articles concerning Trade, Commerce, Naturalization, mutual Priviledges and Capacity, and other of that Nature, and the demands concerning the Extract of Bonds and Decrets, and the manner of safe Conduct for Transporting the Monys from England to Scotland, are all referred to be taken into Consideration by the Commissioners to be appointed by both Parliaments, who shall have power to Advise and Treat thereupon, and report to the Parliaments respectively. It is just that the Tenor of the Commission for Conserving of Peace should be agreed on by mutual Consent, but the closing of the Treaty not to stay hereupon, but to be left to the Commissioners to be named.

To that desire concerning such as should be placed about the Prince, the King hath already given a clear satisfactory Answer. That there be an Act of Parliament of Publick Faith for securing the payment of 220000 l. which is Arrear of the Brotherly Assistance is just, and order is given for it accordingly, and it shall be Communicated with the Scottish Commissioners, that it may be a perfect Security.

The Tenth, for appointing a *Quorum* for attending the payment of the Mony is already moved to the Parliament, and will be done as is desired.

The Eleventh Article is very just, and order shall be given accordingly for recalling all Proclamations, and for Publick Thanksgiving.

The Twelfth Article for the Castle of *Edinburgh* and other Strengths of Scotland,

August,
1641.

August,
1641.

Scotland, is to be settled betwixt His Majesty and the Commissioners of Scotland, or by His Majesty and the Parliament of Scotland.

Which being read, this House approved both of the Propositions and the Answers, and Ordered, *That they should be Communicated to the House of Commons to morrow morning.*

Thursday,
August 5.
Report of the
Conference a-
bout the Custos
Regni.

Mr. Pym Reports the Conference with the Lords concerning the Custos Regni.

Lord Privy Seal told them, *That the occasion of this Conference was the matter of a former Conference desired by this House, wherein two Propositions were delivered concerning a Custos Regni, Commissioners to be appointed in the Kings absence to Pass these Bills,*

1. *The Act of Treaty.*
2. *Any Bill for raising Money as there shall be occasion.*
3. *For raising of Forces for Service at Sea and Land, to resist forreign Invasions or Seditions at home, with all things necessarily incident thereunto.*
4. *Any Bill for Tonnage and Poundage, or other Duties upon the Exportation or Importation of Commodities.*
5. *The Bill for the preservation of the Mines for Salt-Petre, and making Gun-Powder for the defence of the Kingdom.*
6. *A Power to Pass the Bill concerning the 8 Subsidies given by the Clergy.*

A short Act to be drawn Authorizing the Passing of Bills to be conceived upon these Heads.

Lord Say said, *That the Lords intended not to conclude this House, but that they might add what they should think necessary to be Expedited in the King's absence, and that some Course might be taken that the Parliament might Sit till an Act might pass to Enable and Confirm this Commission.*

The House was then acquainted, That the Bishoprick of Durham, County of Northumberland, and Town of Newcastle are willing to take the Parliaments Security for Billet: Whereupon it was agreed, *That the House is contented to pay with all speed unto the Scots Commissioners the residue of the 80000 l. which they have provided accordingly, and desire that the Scots Commissioners give speedy notice thereof unto their General, whereby he may apply himself to put the Army into a readiness to march away according to their promises, immediately upon the receipt of the said Monys. And this House desireth they will receive so much of the said Money here as conveniently they can dispose of, and the House is ready to send the Residue to Newcastle if they shall desire it.*

Mr. Smith a
Minister sent
to the Gate-
house.

This day one Mr. Smith Rector of Long-Ditton in Kent, who was sent for as a Delinquent, upon an Information given in against him by some of the Godly and Well Affected Party, that he should say, *The House of Commons had undeservedly Imprisoned an honest Man than any of themselves, in the Tower; meaning the Arch-Bishop of Canterbury.* For which he was committed to the Gate-House.

Bill against
Knighthood,
passed by the
Lords.
Message from
the Commons
about disband-
ing.

This day the Bill to prevent vexatious proceedings touching the Order of Knighthood being read a Third time, and put to the Question, it was Resolved to pass as a Law.

A Message was brought from the House of Commons by Sir Philip Stapleton to let their Lordships know, *That they have considered of the disbanding*

disbanding of both Armies, and are provided of Mony to effect it, and that they have resolved to take the Publick Faith of the Scots for their disbanding: Further, That the House of Commons had made an Order, That the Horse of the King's Army be first disbanded, therefore do desire this House to joyn with them, That the Horse of the King's Army be first disbanded, and that forthwith: To which after some Consideration the Lords agreed.

The Petition of the Creditors of Sir Thomas Dawes was read, shewing, That they stand bound with the said Sir Thomas for great Sums of Mony, and they have Reason to fear that he will depart this Kingdom: Hereupon it was Ordered, That there shall be a Ne Exeat Regnum issued out against the said Sir Thomas Dawes.

The House of Commons being upon the Consideration of the King's Journey, it was

Resolved, &c. That this House shall, at a Conference with the Lords, insist upon the King's appointing a Locum Tenens during his absence.

The Bishop of Lincoln reports the Conference with the Commons about a Locum Tenens in the King's absence, in these words,

That formerly the House of Commons had brought up a Proposition concerning a Custos Regni in the King's absence, of which they have received no Answer, which makes them now renew it again as formerly, and they do offer some more Reasons.

(1.) Because that in the King's absence many Emergent Occasions may happen in Parliament or otherwise, where necessary use may be of the King's Authority, especially in these time when things are not yet so fully settled.

(2.) That by all Presidents it doth appear, That when a Parliament was Sitting in the King's absence, there was a Custos Regni, or Locum Tenens.

(3.) For to have a Limited Commission to pass particular Bills in certain matters, wherein the Bills are not yet framed, is without any President that they can find, and may be subject to Dispute and Question, and of dangerous Consequence.

Though the success did not Answer their Expectation, yet it was fairly pulht by the Faction, and had they gained this point, they would by his Authority, which they had not yet learnt to separate from his Person, as afterwards they did, have left him little besides the name of a King before his return out of Scotland: But His Majesty began now though something with the latest to be assured of what before he had feared; nor had he reason to repose such a Trust in any of their Favourites, as his Royal Ancestors had done in their near Relations; which were the Presidents they shewed, during the Wars of our Kings with France, when the Nation was Unanimous, the Commons Peaceable and Obedient, and the Parliaments Zealous of the Prerogative and Greatness of their Kings, and the Glory of their Nation, and not Fly-blown with Fears and Jealousies of Arbitrary Government, even when they saw their Sovereigns at the Head of their Victorious Troops; and had the King consented, the Earl of Essex, then their Darling, had been the Man, and how far Ambition and Revenge Armed with such Power, and Supported with such a prevailing Faction might have transported him, his future Actions do most evidently Demonstrate.

August,
1641.

A Ne exeat regnum awarded against Sir Tho. Dawes.

Friday,
August 6.
Commons resolved to insist upon a Locum Tenens in the Kings absence.

Conference about a locum tenens in the Kings absence.

August,

1641.

Earl of Pembroke's Bill for Durham House passed the Lords.

Report of the Conference about the Treaty.

The Bill for assuring a Messuage called *Duresm-House*, part of the Possession of the Bishop of *Durham*, lying in the Parish of *St. Martin's*, to *Philip Earl of Pembroke and Montgomery* and his Heirs, paying a yearly Rent of 200 *l.* to the said Bishop and his Successors in lieu thereof, &c. being read a third time, and put to the Question, it was Resolved by the major part to pass as a Law.

After which Sir *John Culpeper* reports the Conference with the Lords about the Treaty.

My Lord of *Bristol* began the discourse, and said, *My Lord Lowdon* was returned out of Scotland, and had brought certain Explanations of the Treaty: That the English Commissioners had looked them over, and had presented them to the Lords, who have approved thereof, together with the Answers, and had commanded him to present them to us. My Lord *Wharton* read the Propositions, and the other the Answers; when these Papers were read, he said, The Lords desired they should be read in this House for form sake, and agreed upon here, and sent up with all speed to the Lords, whereby it may be put into an Act of Parliament.

His Lordship went further, and said, he had something more to deliver concerning the Treaty at *Rippon*, of the Reasons that moved those Commissioners to agree unto it, and though it might not be accounted so full of Glory and Honour to the Nation, as it had been in former times, yet considering the strait that some persons have put this Kingdom into, it is a happy Conclusion both for the King and Kingdom: That it had cost the Kingdom 1100000 *l.* besides Damages, and that he thought it convenient that some Writing be drawn concerning this Treaty for satisfaction to Posterity, of the Carriage of this Business.

My Lord *Privy Seal* then spoke concerning the Spanish Ambassador, and said, That the 12000 Men, which the Spanish Ambassador did desire was an Army, and that the King was now content he should accept of three or four thousand, if the Parliament did advise him, to which the Lords have assented, and desired the advice of this House.

My Lord of *Bristol* said further, That when the Spanish Ambassadors disbursed this Money, it was an acceptable work to this Kingdom, and therefore it was a great consideration to move their House unto it, and considering how many thousand Pounds he hath disbursed about the same.

The House after the reading of them assented to the Articles proposed by the Scots at the Lord *Lowdon's* return.

I could heartily wish there had been such a writing drawn as my Lord of *Bristol* desired, and thought fit for the satisfaction of Posterity, and that I could have obliged them with a view of it. But I fear our Grand-Children will blush to see the blood of their Ancestors so palled in their Veins, as without a blow struck in a manner, or any generous resistance made, at the expence of 1100000 *l.* besides Damages, to purchase an inglorious Peace from an invading Enemy.

Yet possibly something may be pleaded in mitigation, when it shall appear that it ought not wholly to be attributed to the Body of the English Nation, but to the Arts of the discontented Presbyterian Faction, who first Invited, then Courted and Carested these friendly Enemies, giving them the soft Title of their Brethren of *Scotland*, and sweetning that heavy Imposition of money, which the whole Nation was to bear, with the Title of the Brotherly Assistance; that so by their help, if the King should not comply with their desires, they might obtain that from him by Force and Arms, which they could not by all their

The Scots coming into this Kingdom cost the Nation 1100000 *l.* besides damages.

their Arts of Flattery and Dissimulation, in which certainly they were the most accomplished Persons in the World.

August,
1651.

Now, that it may appear that there was a Foundation for this Invitation of the *Scottish* Army to invade *England*, besides what I have seen in several Prints, that Mr. *Hambden* and others, principal Men of the Faction, made frequent Journeys into *Scotland*, and had many Meetings and Consultations, how to carry on their Combination and joynt Concern. I will give the Reader a short Account, out of the Memoirs of the late Earl of *Manchester*, then Lord *Mandeville* an Actor in this Affair, which take in his own Words, and as I have good Assurance written with his own Hand, as follows.

“**W**hen, saith he, the Commissioners were come to *Rippon*, all due Ceremonies and Civilities were performed each to other, which ended the first Days meeting. And here give me leave to make a necessary Digression, for the Vindication of those Lords, whom the * Lord *Savile* had made Parties, to the design of bringing in the *Scotch* Army.

An Act out of the Lord *Manchesters* Memoires of the Invitation of the *Scots* to invade *England*.
* This Lord *Savile* was an illegitimate slip of the Honorable Family of the *Savils*, which makes it the less to be admired that he should do so base & degenerate an Action.

“When the *Scotch* Commissioners, had passed the Ceremonies and General Civilities at the first meeting with the *English* Commissioners, the Lord *Lowdon*, and Sir *Archibald Johnston* applied themselves particularly to the Lord *Mandeville*, desiring him to give them a private meeting, that they might impart to him, something of near concernment to himself and others of the Lords then present; this was readily granted, and they three, went immediately to the Lord *Mandevilles* Lodging, where being set together, the Lord *Lowdon* begun with very severe Expostulations, charging the Earls of *Bedford*, *Essex* and *Warwick*, the Lord Viscount *Say* and *Seal*, the Lord *Brook*, *Savile* and himself, with the highest breach of their Promises and Engagements, professing that they had never invaded *England*, but upon confidence of their keeping Faith with them, according to those Articles which they had Signed and sent unto them.

“When this Narrative was made by the Lord *Lowdon*, and confirmed by Sir *Archibald Johnston*, the Lord *Mandeville* stood amazed, and protested with clear and solemn Asseverations, that he was a Stranger and altogether ignorant of any such Designs, Articles or Ingagement, and he was very confident, that he might affirm the like in the behalf of the rest of those Lords, whom they thus charged with breach of Promise; but this Denial was no way Satisfactory unto them, but was taken as a disingenuous Denial, and the Lord *Lowdon* urged it as an Act of great Ingratitude towards them, that had hazarded all that was dear unto them, upon the pressing Perswasions, and solemn Ingagements of those Lords, and they told the Lord *Mandeville*, that the Lord *Saville* had first treated with the Lord *Lowdon* when he was Prisoner in the Tower, in the Names of a considerable Part of the Nobility and Gentry of *England*; and that after he was released, and had been some few Weeks in *Scotland*, the Lord *Saville* sent the Articles of Agreement, subscribed by those Lords into *Scotland*, by Mr. *Henry Darley*, and they did not doubt, but the Lord *Saville* would avow all this to be true.

“The Lord *Mandeville* willingly accepted of the Lord *Savilles* Testimony of the Truth of their Assertions, and desired they might meet the next day with the Lord *Saville*, but that in the Interim, he might

August,
1641.

Providence intitled to the hopeful Success of Rebellion, and sure a hopeful Reformation was like to succeed such a beginning.

Proditiōem amo, Proditorem odi.

Had the King been acquainted with it, as he ought, in probability it might have conduced much to the good of the Nation.

“ not know what had now passed between them, which they promised ;
 “ and the next day they all met, and when the Lord *Lowdon* had made his
 “ Narrative, and urged his former Charge, he in the presence of the
 “ Lord *Mandeville*, with a surprized Countenance and other Expressi-
 “ ons of Guilt, confessed the Truth, acknowledging that he had never
 “ acquainted any of those Lords, with the least particular of the De-
 “ sign, or of the Articles of Engagement, and that he had counterfeit-
 “ ed their Hands, in subscribing their Names to the Declaration and En-
 “ gagement, which was sent into *Scotland*: some Apologies he did of-
 “ fer, as that he found the backwardness of the Covenanters to be such,
 “ that they would not hazard a coming into *England*, until they had
 “ a full Engagement, from Persons of greater Interest in *England* than
 “ himself; He began to consider, what Persons of Honor were in great-
 “ est Esteem with the Covenanters, and his Thoughts were fixed on
 “ these Lords, yet knowing it impossible to gain them to consort with
 “ him, in so Traiterous a Design, he found it necessary to act in a way
 “ of Falshood, rather than lose the advantage of so hopeful a Design.

“ He further added, That since, by the Providence of God, the Suc-
 “ cess of their Enterprize, had been so far above their Expectations, thō
 “ few but himself, knew of the Design at first, yet he did believe now,
 “ that the best part of *England*, did hope to find an happy Opportu-
 “ nity for the Redress of the Publick Grievances of both Kingdoms,
 “ by the coming of the Army into *England*, therefore he desired them
 “ to silence all Discourses, tending either to the dislike or discovery of
 “ the Treachery or Falshood of his Design, and that they would Act
 “ vigorously and unanimously in Order to the Advantage of both King-
 “ doms.

“ This was owned by the Lord *Lowdon* and Sir *Archibald Johnston*,
 “ to be a just and a full clearing of the Honor and Honesty of those
 “ Lords, whose Names had been subscribed, but it made in them a
 “ deep Impression of that Lords falshood, which shewed it self at that
 “ time, by some sharp Reprehensions; yet in such a conjuncture of
 “ their Affairs and ours, they thought it not prudent to shew so great
 “ dissatisfaction, as might give the Lord *Saville* a total Rejection; there-
 “ fore they concluded their Conference with this Assurance, to the Lord
 “ *Mandeville*, that they would give a true account of the Carriage of
 “ this Business to the Committees of Parliament then residing at *New-
 “ Castle*, that so those Lords might be righted in their Honors and Faith,
 “ which had received a blemish, by the boldness and Treachery of the
 “ Lord *Saville*.

“ The Lord *Mandeville* then made these Requests unto them. First,
 “ that he might acquaint some of the Lords which were equally con-
 “ cerned with himself, And that the Declaration and Engagement un-
 “ der their feigned Names might be delivered to them. The first was
 “ granted; the second was promised, and after a few Daies they receiv-
 “ ed the Engagement from *New-Castle*, and did in the Presence of the
 “ Lord *Mandeville*, cut out all the Names and burnt them, but they
 “ would not deliver the Declaration and Engagement it self.

And in another Place, speaking of this Affair, he tells us, that the *Scots*
 “ laboured under such Difficulties and Dangers, by the failing of these
 “ Supplies which they expected from their supposed Confederates, as
 “ that they had in their Thoughts to Retreat with their Army near to
 “ the Borders of their own County, and to cast themselves upon his Ma-
 jesties

“jesties Grace and Favor, by an Humble Petition and Remonstrance, “setting forth to him and the whole World, the Invitation and Agreement which was delivered to them from some Lords, in the behalf as “they conceived of themselves, and others in *England*, who were cordially Affected to the True reformed Protestant Religion, and the “Publick Rights and Liberties of the Nation.

August,
1641.

Thus far he, by which it is evident, that though the *Scots* were not in reality Invited into *England*, by those Lords, who favoured their Designs, yet being come, they were made Welcome, and the Reformers closed in with them, to bring about their intended Work of Reformation.

This Day the Lord *Capell* was with the usual Solemnity, introduced into the House of Lords, his Writ bearing Date, *August 6. 17. Car. Reg.*

Saturday,
August 7.
The L. Capel
introduced.

A Message was brought from the Commons, about disbanding, and to move His Majesty for a Proclamation for the more peaceable Effecting of it.

Whereupon the Two Houses Petitioned his Majesty concerning it, to which He returned this Answer. *His Majesty hath ever since this Parliament, taken the Advice of His Parliament concerning the Army; therefore he gives his Consent concerning the Disbanding of the Horse; and that He hath given Order, that His Attorney shall issue out such a Proclamation as is desired: And His Majesty doth recommend to the Parliament, the Care of the Disbanding the Horse; that the Soldiers may be repaid the Money, which hath been taken from them for their Arms, that so Armed Men may not disperse themselves, to the disturbance of the Kingdom, and that the Arms may be restored to the Magazines, for the Defence of the King and Kingdom.*

The Kings Answer to the desire of both Houses, about disbanding the Horse,

A Proclamation was accordingly issued out as follows.

By the King.

A Proclamation for the Peaceable and Quiet Passage of the Troops of Horse, to be Disbanded in the North Parts.

Whereas His Majesty by the Advice of His Parliament, hath given Order for the speedy Disbanding of the Troops of Horse, that are, or lately were part of His Majesties Army in the Northern Parts of the Kingdom: His Majesty in his Princely Care, of the Quiet and Safety of His Subjects, doth by this His Proclamation, strictly Charge and Command, that none of those Troops, or Souldiers, after they are Disbanded, do Travel together, or gather, or continue together above six in a Company, under the Penalty of being proceeded with, as Disturbers of the Publick Peace: And doth hereby likewise straitly Charge and Command all Sheriffs, and Justices of Peace, of the Counties thorow which they shall pass, or whither they shall come, that they fail not to take Care, that the General peace and quiet of His Majesties Subjects be not disturbed by any of the said Troops or Souldiers: And that none of the said Troops or Souldiers, do stay or abide above one

His Majesties Proclamation about disbanding the Horse,
Aug. 8. 1641.

August,
1641.

one Night in a place (unless it be in Case of Sickness, or other great Necessity) during the Time of their Travel.

Given at the Court at *White-Hall* the Eighth Day of *August*, in the seventeenth Year of the Reign of Our Sovereign Lord CHARLES, by the Grace of God King of *England, Scotland, France and Ireland*, Defender of the Faith, &c.

God save the KING.

The Judges
Opinion about
a *Custos Regni*.

The Lord Privy Seal Reported the Opinion of the Judges concerning the *Custos Regni*, and the Commission to pass Bills in the King's absence.

(1.) Concerning the *Custos Regni*, they know not how to deliver any Opinion, it being of so high a Consequence.

(2.) Concerning the Commission, they hold it good, if it be fortified and backed with an Act of Parliament. Whereupon it was Ordered to be communicated to the House of Commons at a Conference.

The Act of Pa-
cification pas-
sed the Lords
House.

The ACT for the Confirmation of the Treaty of *Pacification* between the Two Kingdoms of *England* and *Scotland*, was read a third time, and being put to the Question, it was Resolved to pass as a Law; And sent down to the Commons by Justice *Forster* and Justice *Heath*.

Thanks given
to the Lord
Commission-
ers and par-
ticularly the
Earl of Bristol
for the Treaty.
Bill for taking
away purvey-
ance read the
first Time.

Memorandum, This House this day gave Thanks to the Lords Commissioners for their great Pains and Care bestowed in the Treaty between Us and the Scots; and particular Thanks was given to the Earl of Bristol for his Service done to this Kingdom therein.

The Bill for taking away of all manner of Purveyance, was read the first time.

The Commons then sent to desire a present Conference with the Lords, about the King's putting off his intended Journey into *Scotland* for 14 dayes longer. At which Mr. *Hollis* delivered the Reasons of the Commons Desire in that particular in this manner:

My Lords,

Reasons for the
Kings defer-
ring his Jour-
ney for 14 days
at a Confe-
rence, August
7. 1641.

" I Am Commanded to put you in mind what hath passed upon this
" occasion before, concerning the Kings Journey to *Scotland*, That
" both Houses did Petition his Majesty not to begin his Journey till the
" Tenth of *August*, and to acquaint the Scots Commissioners therewith,
" who afterwards desired this House to express their Resolutions in the
" affirmative; upon which the House of Commons passed a Resolution,
" That then if his Majesty pleased to go, they would submit unto it.

" I am Commanded to declare unto your Lordships, That the House
" of Commons is desirous to submit unto his Majesties good Pleasure in
" all things: but such is the present condition of this business, as it now
" standeth, that they are enforced to present some further Considera-
" tions to your Lordships.

First, That when they gave this Assent, they were in hope both Armies
would have been Disbanded by that time; but though there hath been all
possible

possible means used to that end, yet it could not be effected: so the same Inconvenience doth still continue.

August,
1641.

Secondly, The Treaty cannot in so short a time be finished, being returned from Scotland but three dayes since: but since it is ready to be finished, and Moneys are provided, the Armies will be Disbanded, by that time we desire his Majesty to take his Journey.

Thirdly, The Distempers and Joalousies of the Kingdome are such, that they cannot be composed by passing some Acts, unless his Majesty stay the desired time.

Fourthly, No course is yet taken for the Government of the Kingdom in his Majesties absence, there being so many Weighty Things to be taken into Consideration.

“ Upon these Reasons the House of Commons have thought fit to
“ move your Lordships to joyn with Us in a Petition to his Majesty, to
“ stay his Journey for 14 dayes longer; and we make no doubt but our
“ Brethren in Scotland will consider the Streight we are in, and for our
“ Safety condescend to our Desires. And if his Majesty yield thereunto,
“ then we shall desire your Lordships to joyn with us by some expresse
“ Messenger to the Parliament in Scotland for the King's stay for that
“ time, which we hope will give them Satisfaction.

After which Mr. Hollis reported the Conference from the Lords, That the Lord Say told them, They had taken into Consideration the Desires of this House, and that the Lords would joyn with this House to Petition his Majesty to be pleased to stay yet 14 days, if it may stand with the Ingagement he has made to that Kingdom; however, that he may stay till Tuesday Night 6. of the Clock, which they are sure will stand with his Ingagement, but they conclude nothing in this matter till they had first heard from this House.

This was not at all Satisfactory to the Commons, who thereupon put it to the Vote, it was

Resolved, &c. That this House shall insist upon the former Desire for his Majesties stay for 14 dayes.

But while they were in this Debate, and Messages went to and fro between the Two Houses, the King came to the House of Lords, and the Gentleman Usher of the Black Rod was sent to give the Commons notice of the King's being there in order to the passing several Bills.

The Publique Bills were,

- (1.) An Act against divers Incroachments and Oppressions in the Stannery Court.
- (2.) An Act for securing Money to the Northern Counties, &c.
- (3.) An Act declaring Unlawful and Void the late Proceedings touching Ship-Money, and for Vacating of all Records and Procefs concerning the same.
- (4.) An Act for the Certainty of Forrests and of the Meers, Meets, Limits and Bounds of the Forrests.

Bills passed by
the King.

The

August,
1641.

Private Bills
passed.

The Private Acts were these ;

- (1.) *An Act for the Settling of Certain Mannors, Lands, Tenements, &c. on Katharine Countess Dowager of Bedford, William now Earl of Bedford, John Russell and Edward Russell Esquires, Sons of Francis Earl of Bedford deceased.*
- (2.) *An Act to Enable Sir Alexander Denton to sell Lands to pay Debts, and provide for his Younger Children.*
- (3.) *An Act to Settle the Mannor of Belgrave, &c. upon William Byarley Esquire, &c. to pay the Debts of William Davenport, Esquire, deceased.*
- (4.) *An Act for John Eggar's Free School in Alton in Com. Southamp-ton.*
- (5.) *An Act for the Alteration of the Tenure of certain Lands in Fulham, Middlesex, held of the Lord Bishop of London, as of the Mannor of Fulham.*
- (6.) *An Act for making the Chappel of Hool in Com. Lancaster a Parish Church.*
- (7.) *An Act for Confirmation of his Majesties Letters Patents to the Town of Plymouth, and for dividing the Parish, and Building of a New Church.*

To which the Clerk of the Parliament pronounced the Royal Assent in these words,

Soit fait comme il est desire.

After which his Majesty made a short Speech touching the Necessity of his going to Scotland, adding, *That he had given Order to the Lord Keeper for the further declaring of his Mind therein ;* Upon which the Lord Keeper spake, Expressing his Majesties great forwardness hitherto in so readily and graciously complying with his Parliament in gratifying them in all their Requests, more than any of the Kings his Royal Predecessors had ever done before him ; instancing in the several Bills for taking away the Star-Chamber, Regulating the Council Board, taking away the High Commission Court, Ship-Money, and the passing the Bill for the Judges to continue *quam diu se bene geſerint*, and several other things. After which his Majesty spoke some few words, acquainting them, *That he had received an Account by a Nobleman lately come from Scotland, of the absolute Necessity of his Journey, and that it was impossible for him, without great Inconvenience to his Affairs in that Kingdom, to defer his Journey ;* and so he took his Leave of their Lordships, and bade the Parliament Farewell, and so departed.

But the House of Commons returning to their House, fell immediately upon the Debate of it, and sent a Message by Mr. Hollis to the Lords, Earnestly desiring the Lords to joyn with them to Petition his Majesty either to Substitute a Locum Tenens, during his Absence, or to stay 14 dayes Longer, in regard it so nearly concerned the Quiet and Peace of the Kingdom.

The Lords sent them in Answer, *That they would move his Majesty to defer his Journey for two dayes longer ;* but this gave the Commons little Satisfaction.

In this Debate both Houses sate till Ten of the Clock at Night, but could not come to any Resolution; but in the Commons Houle it was moved, *That in respect the Necessity was so great, and his Majesty so firm in his Resolution to set forwards on Monday, that both Houses might meet and Sit upon Sunday;* and a Message being sent up to the Lords to desire their Concurrence, it was accordingly agreed.

There being many of the Members of the Commons House absent, It was this day also Ordered by the Commons, *That all the Members of the House, in regard of the Great and Weighty Affairs that import the Safety of the Kingdom, do repair hither to attend the Service of the Commonwealth with all possible speed, upon pain of incurring the Displeasure of this House for their neglect.*

And it is further Ordered, That the Knights of the several Counties, and the Burgeses and Barons of the several Burroughs and Cinque-Ports that are now in Town, shall send Copies of this Order to the Sheriffs of the several Counties, to the End it may be published with all Care and Speed.

By Six of the Clock in the Morning there was a Sermon at St. Margarets Westminster before the Commons, after which both the Houses Sate, and the time was wholly spent in the morning in Debates, Messages and Conferences between the Two Houses, about Petitioning the King to stay yet 14 dayes longer, the Lords inclining not to press his Majesty further in it, and the Commons insisting upon their former Votes to that purpose.

The Earl of Bath reported the Conference with the House of Commons as follows.

That the House of Commons gave their Lordships thanks for joining with them, humbly to Petition His Majesty for deferring his Journey into Scotland for 14 days.

“ And to the end that it may be no prejudice to the Parliament of Scotland, the House of Commons desires that some of the Lords Commissioners may acquaint the Scots Commissioners with these particulars following, and desire their Answers.

(1.) “ That the Houses of Parliament have commanded them to express to the Scots Commissioners the great care that they have to keep a good Correspondency betwixt the Two Nations of England and Scotland, and to take away the Objections which may be made in respect of the Publick engagements to submit to His Majesties pleasure in his present intended Journey.

(2.) “ That they take notice of the often Meetings and Adjournments of the Parliament of Scotland, and lest it might be a great inconvenience, the States being now met there, if they should stay long there together without doing any thing, both the Houses of Parliament have Resolved, that, for the better satisfaction of the Parliament of Scotland, they will humbly Petition His Majesty to send a Commissioner to Edinburgh, that if there be pressing Occasions to dispatch any of their Publick Affairs, there may be Authority for the same; and if they think good to stay His Majesty's coming to them in Person, the Houses of Parliament do hope that it will be within 14 days of that time wherein His Majesty was expected there, and they

August,
1641.

Order for the
absent Mem-
bers to repair
to the House.

Sunday,
August 8.

Aug. 8. 1641.
The Report
of the Confe-
rence about
staying the
Kings Journey
14 dayes.

Propositions
to the Scots
Commission-
ers about the
Kings stay 14
dayes.

August,
1641.

" shall take their consent thereunto, as a great Argument of their Affection to this Kingdom.

(3.) " That the Houses likewise do intend to send Commissioners from hence to the *Scottish* Parliament, to declare to them the great Reasons which moves them to Petition His Majesty's stay for 14 days, which are such as do very much import the Peace and Safety of both Kingdoms; as also their care to move His most Excellent Majesty to send His Commissioner, that the Parliament of *Scotland* may not be disappointed in respect of the dispatch of their own great Affairs in that Kingdom in the mean time.

(4.) And lastly, " That the Houses do desire the *Scottish* Commissioners in a free and friendly manner to declare to them, whether they have lately received any Instructions from the Parliament of *Scotland*, to press His Majesty's present Repair thither in Person at the Parliament, the 17th day of this present *August*.

Hereupon the Earl of *Warwick*, Viscount *Say* and *Seal*, Lord *Wharton*, Lord *Kimbolton*, and Lord *Savile* were appointed presently to go to the *Scots* Commissioners, and desire from both Houses their Answer hereunto in writing.

The Lord Keeper reported, That he had delivered the Reasons to the King in the name of both Houses, concerning the staying of His Majesties Journey into *Scotland* for 14 days, and his Majesty returns this Answer.

The Kings Answer to the 4 Reasons for staying his Journey.

That the importance of your desires would require some time of deliberation, if the urgent Necessity of the business did not press the contrary, and His Majesty said the same Necessity teacheth him to Answer, the Necessity is two fold,

(1.) *The first and chiefest, his Publick Faith given to his Kingdom to be present at the Parliament; and His Majesty said, That never any Prince was more strictly bound in Honour to perform any thing then he was to do this.*

(2.) *The Urgency of His Majesties Affairs there, which indeed he said were very great. To comply with both which he can stay no longer then Tuesday, and so long he thought fit to stay, that the Gentlemen of the House of Commons may so hasten the Scottish Treaty, that he may give his Royal Assent thereunto some time to morrow, for otherwise His Majesty shall be forced to pass it by that Commission which he leaves behind him; but the earnest desire his Majesty hath of passing this Important Bill personally makes him stay thus long, which he knows will be inconvenient unto him.*

To conclude, His Majesty desires your Lordships to remember, That upon your desires he hath already stayed one Month, and that you by Publick Promises are engaged not to urge his stay longer then to morrow, therefore remembring all engagements, His Majesty expects that you press him no more in this, for His Majesty said, indeed he must go, and for the Government of the Kingdom, he hopes he shall leave behind him such Commissions as will serve, especially since the Parliament is Sitting.

The

The Lord *Brook* was sent to find out the *Scottish* Commissioners, and to desire them to expedite their Answer, who presently returning brought it in writing, which was read in these words.

August,
1641.

*Scottish Com-
missioners An-
swer to the 4
Reasons for
the Kings stay.*

“ **A**S we are very sensible of the great Care the Houses of Parlia-
“ ment have to keep a good Correspondency betwixt the two
“ Nations, and the Sense they have of the manifold Inconveniences
“ which *Scotland* doth sustain by their frequent Meeting and Adjourn-
“ ing of the Parliament, so we know nothing can more conduce for
“ conserving that Correspondency, and for removing these manifold pre-
“ judices we sustain through the frequent Prorogation of our Parliament,
“ then that the Treaty of Peace, which by the blessing of God, and His
“ Majesties and the Parliaments Wisdom is now brought to a close,
“ may, as a Sovereign Remedy of the great Evils which troubles both
“ Kingdoms, without further delay be Enacted here for the Peace and
“ safety of both Kingdoms, that the same may with all speed be Ra-
“ tified in the Parliament of *Scotland*.

“ His Majesty hath by several Letters promised to hold the Parliament
“ of *Scotland* in his own Royal Person, and hath intimated the same by
“ Publick Proclamation to all his Subjects there; and although His
“ Majesty by his Royal Letter of the 18th of *May* was obliged to have
“ holden the Parliament of *Scotland* upon the 15th of *July* last in his
“ own Royal Person; or if any unexpected Occasion should happen to
“ detain him, that he would appoint a Commissioner for holding there-
“ of at the day aforesaid, to do every thing which might conduce to the
“ Establishing of the True Religion, Laws and Liberties of their King-
“ dom: Yet such is the Affection and Respect of the Parliament of *Scot-*
“ *land*, to the Parliament of *England*, as notwithstanding their many
“ pressing Difficulties, they have condescended, that his Majesty stay
“ his Journey into *Scotland* until the 10th of *August*, in respect that the
“ Parliament of *England* did Assent to His Majesties going at that
“ time, which the Parliament of *Scotland* doth expect without any fur-
“ ther delay.

“ What may be the Condition or Importment of Affairs here, or what
“ Reason the Parliament hath which moveth them to Petition His Ma-
“ jesties stay, is not proper for us, we will therefore forbear to shew our
“ selves beyond our Line, but do remit the Consideration of this to
“ the King and the Parliaments Wisdom.

“ And finally, where it is desired by the Houses, that we would in a
“ friendly and free manner declare unto them, whether we have lately
“ received any Instructions from the Parliament of *Scotland* to press His
“ Majesties repair thither in Person, we do conceive that His Majesties
“ former Promises of going thither in his own Person upon the 10th of
“ *August*, and the Assent of both Houses to his Journey, and the Reso-
“ lution of the Parliament of *Scotland* to prepare their business till the
“ 17th of *August*, and after that time, that they will conclude and pass
“ such Acts as they conceive necessary for the good of the Kingdom, a
“ sufficient Instruction for us both to press and expect His Majesties go-
“ ing against that time; and the pressing necessity of the Affairs of that
“ Kingdom as such, cannot without danger of irreparable loss suffer
“ longer delay.

This being read, it was Communicated at a Conference to the House of Commons.

August,
1641.

After a long Tugg, the Commons finding the King resolute to pursue his Journey, and the Lords unwilling to press His Majesty any further in the Matter, they resolved to expedite matters so as, if possible, to settle them before His Majesty goes.

But lest this Sitting upon the Lords Day, which the *Presbyterians* idolized even to down-right Judaism, many of them thinking it unlawful even to dress Provision for their Families on that day, should scandalize them, the Commons were resolved to do something in Vindication of this so unusual a Sitting, and to give the Nation the Reasons for it, which Mr. Pym did *in hæc verba*.

The Reasons
of the Sitting
of the Parlia-
ment on the
Lords Day.

“ **W** Hereas both Houses of Parliament found it fit to Sit in Parlia-
“ ment upon the 8th of *August* being the Lords Day, for many
“ urgent and unexpected Occasions concerning the Safety of the King-
“ dom, and being so straitned in time by reason of his Majesties Reso-
“ lution to begin his Journey towards *Scotland* on *Monday* following
“ early in the morning, it was not possible so to settle and order the Af-
“ fairs of the Kingdom either for the Government thereof in the King’s
“ Absence, or for the present Safety, as was requisite upon these pressing
“ Necessities; though the Houses thought it necessary to Sit, yet the
“ Lords and Commons Assembled in Parliament think it meet to de-
“ clare, That they would not have done this, but upon inevitable Ne-
“ cessity, the Peace and Safety of both the Church and State being so
“ deeply concerned, which they do however declare, to the End that
“ neither any other Inferior Court or Council or any other Persons
“ may draw this into Example, or make use of it for their Encourage-
“ ment in neglecting the due observance of the Lords Day. Which be-
“ ing read, was assented to *Nullo Contradicente*.

Sir Jo. Culpe-
per Ordered to
carry up this
to the Lords
for their Con-
currence.

Ordered, That Sir John Culpeper carry up this Order to the Lords, and to acquaint their Lordships how it pass *Nullo contradicente*, and that if it pass so in their House, to desire it may be so entred, that it may appear to Posterity with what Unanimous Consent both Houses of Parliament are solicitous for the due Observation of the Lords Day; and likewise to desire of their Lordships, That it may be printed as the Declaration of both Houses. To which the Lords also assented *Nullo contradicente*. Which being done, it was ordered to be entred in the Journals, and printed for Satisfaction to Posterity.

A Proposition
from the
French Am-
bassador.

This day the Earl of *Warwick* reported that the *French* Ambassadour was with him, and desired his Lordship, That he would acquaint this House, That he desired leave for the Raising and Transporting of a Regiment of English Souldiers for the Service of the *French* King, and in particular the Earl of *Carnarvan*’s Troop of Horse, and he said if occasion requires hereafter to imploy them in the Service of the *Palatinate*, the *French* King would add Ten Thousand Foot to them in that design. Hereupon the House thought fit that the *French* Ambassadour set down his Proposition in Writing, and then present it to this House.

Duke of *Lenox*
made Duke of
Richmond, and
Introduced
Monday,
August 9.

This Day the Lord *James* Duke of *Richmond* was with the Usual Solemnity Introduced, his Writ bearing Date 8th Aug. 1641.

Ordered, That the Gracious Answer from his Majesty, be entered in the Journal of the House.

His

His Majesty sent this following Message to the House, *That his Majesty forgot to tell the Houses yesterday one Thing, That his Businesses are so well prepared in Scotland, that he shall make no long stay there, and intends to be back before Michaelmas, and it may be by the midst of September.*

August,
1641.

A Message
from his Ma-
jesty.

Concerning the Army, which he is sorry is not already disbanded, but upon the Word of a Prince he will do his best, and hopes not without good effects for the speedy Disbanding thereof.

That besides the Bill for the Scots Treaty, another Bill will come down from the Lords for securing the Government in his Majesties absence. And his Majesties Command at this time is to signify his desire to the House, that they pass both these Bills some time this Day, that so his Majesty may give his Assent unto them. His Majesty desires the speedy passing of this last Bill, conceiving that the passing thereof, may assist his Majesty in the desired disbanding of the Armies. And that when his Majesty upon Saturday, bid the Lords severally Farewel, his Intent then was to both Houses, which if they did not so understand it, his Majesty now commanded to signifie it as his Intention therein.

A Message was brought from the House of Commons by Mr. Hollis to let their Lordships know, *That they understand that the Lord Steward is to go beyond the Seas with the Queen, and so is to resign his Staff. The House of Commons desires their Lordships to joyn with them, to move his Majesty that he may resign his Staff to the Earl of Pembroke, who is a very fit Person for that Place.*

Message from
the Commons
to have E. Pem-
broke, made L.
Steward, and
E. Salisbury L.
Treasurer.

And further he was commanded by the House of Commons to signifie, *That they have taken into Consideration the settling of the King's Revenue, and because it will be requisite to have a Lord Treasurer, that is a Person of Honor and Abilities, they have Voted Nemine contradicente the Earl of Salisbury to be a very fit Person for that Place, therefore the House of Commons desires that their Lordships would joyn with them, to commend him to his Majesty for that Place.*

The Bill for the Commission from his Majesty to give the Royal Assent to certain Bills, &c. was passed the Lords, and carried down to the Commons.

A Message was brought from the House of Commons by Sir Arthur Haslerig, who delivered from the House of Commons the Bill of Publick Faith, for securing by publick Faith the Remainder of the friendly Assistance and Relief promised to our Brethren of Scotland, which was read immediately three times successively, and being put to the Question, and it was Consented to pass as a Law, *Nemine contradicente.*

Bill for pub-
lick Faith for
Brotherly As-
sistance passed
the Lords.

The Bill for Regulating and better Ordering the Clerks of the Market, being read a third time, passed the Lords House.

Tuesday,
August 10.
Clerk of the
Markets Bill
passed the
Lords House.
Conference a-
bout the Com-
mission to pass
Bills in the
Kings Absence.

A Conference having been desired by the Commons, concerning the Bill to strengthen the Kings Commission for passing Acts in his Absence, it was thus reported by the Lord Keeper:

That the House of Commons had returned the Commission, and the Act to enable the Commission, with some Amendments, and desired that some Additions might be made both to the Commission and to the Act, for the Commons conceive that they are both too Particular, and not General enough, which may be very prejudicial. For,

(1) *They find no President that a Parliament was ever Sitting, without a General Power.*

(2) *It*

August,
1641.

The King passes Bills in the Lords House for Pacification, &c.

(1) It might be a dangerous President, to accept of a Limited Commission by an Act of Parliament.

(3) There may happen Emergent Occasions for the Safety of the Kingdom which cannot be foreseen, therefore 'tis dangerous to accept of such a Limited Commission by an Act of Parliament.

His Majesty being come to the House, and the Commons with their Speaker, being come up according to the usual manner, these following Bills were passed.

(1) An Act for the Confirmation of the Treaty of Pacification between the Two Kingdoms of England and Scotland.

(2) An Act for securing by Publick Faith the Remainder of the Friendly Assistance, and Relief promised to our Brethren of Scotland.

(3) An Act for the free bringing in of Gun-Powder, and Sal-Petre from Forreign Parts, and for the free making of Gun-Powder in this Realm.

Memorandum, His Majesty said, he hoped that the Parliament would consider of a Bill, for making of good Gun-Powder, and for preserving the Sal-Petre Works for the Defence of this Kingdom; and if they did not, He professeth Himself to be clear of the Inconveniencies which else will follow.

(4) An Act for prevention of vexatious Proceedings, touching the Order of Knighthood.

(5) An Act for the better Ordering and Regulating of the Office of the Clerk of the Market allowed and confirmed by this Statute, and for the Reformation of false Weights and Measures.

The Private Bill was,

An Act for the assuring a Messuage called Duresme House, alias Durham House, and certain Stables part of the Possessions of the Bishop of Duresme, situate in the Parish of St. Martins in the Fields, in the County of Middlesex, unto the Right Honorable Philip Earl of Pembroke and Montgomery, and his Heirs, and of a yearly Rent of 200l. per Annum, to the said Bishop of Duresme and his Successors in lieu thereof.

Then his Majesty took his leave of the Parliament, telling them, He hoped to give good Expedition in disbanding both Armies, and that he would make what haste he could, if possible, to return before Michaelmas.

Declaration of the Lords about the choice of their Speaker.

Declared and Voted by this House Nemine contradicente, That the certain and undoubted Right of this House, to chuse their Speaker, and that the Speaker is not to depart when this House sits, without the leave of this House, and that this Order be added to the Standing Orders of this House.

Propositions of the Scottish Commissioners about Difficulties of their Army, marching away Aug. 10. 1641.

The Lords Commissioners reported, That the Scottish Commissioners desire them to represent to the King's Majesty and the Parliament, That in respect of the great Rain which hath fallen in the North, whereby the Cannon cannot be carried through Kynsidmire, nor can the Scottish Army cross the River Tweed, his Majesty may be graciously pleased with consent of the Parliament, to permit the Scottish Army to March through Berwick, since there is no other Passage.

But for all they were our dear Brethren of Scotland, neither the Lords nor Commons were without Jealousy of them, as appears by these following Particulars.

The

The House of Lords taking this desire into Consideration, did appoint the Lords Commissioners to speak with the Scots Commissioners, and propose unto them the making of a Passage for their Army over the Tweed with a Bridge, which the Lord General shall have Order to make.

The Old Proverb is, Make a Retreating Enemy a Bridge of Gold; they had made the Scots a Bridge of Silver, which Cost England above a Million of Money, and now they were very willing to see them gone; To which purpose at a Conference this Day the Commons acquainted the Lords.

That whereas formerly it was intimated at a Conference, That the Scottish Commissioners declared that their Army would draw themselves into a Camp, and begin to March away out of this Kingdom within 48 Hours, after they had received the Monies of Arrears at New-Castle, and the 80000 l. in part of the Brotherly Assistance, and had Security for the Payment of the rest; the House of Commons having now paid them all their Arrears at New-Castle, and 80000 l. in London, and have performed all that was agreed to be performed by them, they desire that the Lords Commissioners, may move the Scots Commissioners in the Name of both Houses of Parliament, that their Army may march away according to their Promise. And further that the House of Commons desires this House would joyn with them, to write Letters to the Lord General of the Kings Army, to disband the Horse and Foot presently, that so Peace may be settled, and all Jealousies removed.

Whereupon it was Ordered by the Lords, that this House will joyn with the Commons, in the Desires of this whole Conference.

It was also this day Ordered, That the two Acts of Parliament, the one for the Brotherly Assistance, the other for the Confirmation of the Treaty, between the Two Kingdoms shall be transmitted into the Chancery, by Writs of Certiorari directed to the Clerk of the Parliament, and shall be Exemplified by the Clerks of the Petty Bagg in a Secretary Hand, and this to be the Warrant in that behalf.

The House after their return from the Lords House, fell into Debate about sending some Commissioners from either House into Scotland; and accordingly it was Resolved, &c. That some Commissioners shall be sent into Scotland, for these Purposes authorized by both Houses, to see and take Care, that the Acts that concern this Kingdom, be perfected in the Parliament of Scotland; and from time to time to give his Majesty a true understanding of the Proceedings of the Parliament here, the Lords to be moved to joyn in Petition, to move the King for it.

The Bill for Tonnage and Poundage passed, and Mr. Solicitor was sent up with it to the Lords to desire, That this Bill may pass by special Commission, and that it may be so contrived, that the Bill may pass before the King is gone out of the Kingdom.

And it was immediately read three times successively in the Lords House, and passed as a Law, Nemine contradicente.

This Day the King set forward in the Afternoon upon his Journey to Scotland, accompanied with the Prince Elector, the Duke of Lenox, now created Duke of Richmond, and the Marquiss Hamilton.

A Letter was this day read in the House of Commons, to be sent to the Earl of Holland, to give Order for the speedy disbanding of the rest of the Army both Horse and Foot.

A Message was sent to the Lords to desire, That the Bishops may be put to a present Answer, in the Presence of the Commons as was formerly desired,

August,
1641.

Report of the
Conference about the
Scottish Army.

Order of the
Lords for Exemplifying the
Acts for Pacification and
Brotherly Assistance.

Commissioners
to be sent into
Scotland.

The King sets
forward his
Journey to
Scotland.
Wednesday,
August 11.

Message to the
Lords about
the Bishops
that were im-
peached.

August,
1641.

The Lords Answer about the Impeachment of the Bishops.

fired, the House of Commons being ready to make good their Accusation; and Sir Arthur Haslerig to go up with this Message, and to desire a Conference about it.

Mr. Glyn reports the Conference with the Lords about the Bishops, That the Lord Privy Seal told them, That some Daies since, they had received an Impeachment against the Bishops, delivered at the Bar by Word of Mouth, accusing them of many great Crimes and Misdemeanors, and that this House did desire that the Bishops may be put to a present Answer, at the time when the Impeachment was delivered.

They were Matters of great Consequence, and coming from the House of Commons they were very curious not to proceed but in a Parliamentary Way, upon good Consideration, whereas the Charges were in general only.

He said further, There were two Ways of proceeding there, by transmission from this House, or by a Charge by Word of Mouth, in this latter the Course is to appoint some of the Kings Council to draw up particular Charges out of the General; that they would proceed no wayes, till they had first acquainted this House therewith. And they further desired this House to consider, whether this House would stand to the Charge they have already transmitted.

Memorials from the Scottish Commissioners, and Answers to them.

The Earl of Bristol Reports certain Propositions or Memorials which were delivered to the Lords Commissioners from the Commissioners of Scotland, as are fit to be perfected upon the Treaty; as also the Lords Commissioners Answers to them.

I.

Prop. 1.

THe Exemplification of the Treaty, and of the Act for Securing the Remainder of the Brotherly Assistance, to be writ in Secretary.

Answer.

To this it was Answered, That it is already Ordered, as is desired.

II.

Prop. 2.

That a Commission may be granted from the Parliament for Examination of Witnesses in the Process of Incendiaries conform to the Paper given to the Earl of Bristol.

Answer.

The Second is referred to the Lord Mandevil's Care.

III.

Prop. 3.

A Licence to the Army to March through *Berwick*, because the Waters are out, that they cannot march over the River of *Tweed*, and so cannot appoint a certain day for the passing over.

Answer.

This is to be propounded to the Houses of Parliament.

IV.

Prop. 4.

To get an Order for delivery of 42000 *l.* part of the 80000 *l.* and that the remainder of the 80000 *l.* detained for payment of what is due to the Northern Counties, may be secured by Order of the Parliament, so as it may Release the Scots at the Counties hands, if so much shall be found justly owing unto them by those who are entrusted on both sides with the Accounts; and if there be not found so much justly owing to the Counties, that the overplus be paid to the Scots, and that they may have Acquittances from the Counties.

Answer.

This is or shall be presently performed by the Earl of Warwick.

V. That

V.

That the time for the removing the *Scottish* Army, is to begin after the Receipt of the Arrears and Payment of the 80000 *l.* in manner aforesaid, and that it is conceived the same will be paid unto them before the 15 day of *August*, and that they have 5. dayes thereafter to draw the Army together in one Body at a Rendevouz, and making themselves ready with all their Necessaries to march, and there is thereafter five dayes allowed them to march to *Scotland*, which will be the 26th of *August* Instant, during which space the Maintenance of the Army of 850 *l.* per diem for Relief of the *Northern* Counties, is to be allowed and paid before the Army March.

August,
1641.

Prop. 5.

The dayes in particular are to be set down by the Parliament.

Answer.

VI.

To condescend that the Commission for Conservation of the Peace, and the Commission for the Treaty concerning Trade and Intercourse betwixt the Two Kingdoms do go on, all the remanent Articles to be referred to that Treaty.

Prop. 6.

Order shall be given accordingly, and that the Lord Mandeville will take care.

Answer.

VII.

To think upon the Warrant and manner of recalling the Declarations and Proclamations made against His Majesties Subjects of *Scotland*, and the manner and time of the publick Thanksgiving for the happy Peace and Union of the Kingdoms.

Prop. 7.

It shall be moved to the Parliament that Order may be taken accordingly, but the Scots to be over the Tweed first.

Answer.

VIII.

That Order be given to the *Northern* Counties for carrying their Artillery, Ammunition and Baggage to the River of *Tweed*.

Prop. 8.

It may be recommended to the Gentlemen of those Counties to Write their Letters for the performance of what is desired.

Answer.

After which the House of Lords agreed to all these Propositions and Answers.

Then a Letter from the Speaker of the House of Lords to the Lord General was read as follows.

May it please your Excellency.

YOUR Excellency hath lately received Order from the House of Lords Assembled in Parliament for the speedy Disbanding of the Horse of His Majesties Army, which they hope is in good forwardness. His Majesty hath now given His Royal Assent to the Acts for the conclusion of the Treaty, and the securing the remaining part of the Brotherly Assistance; and all the Arrears due to the *Scottish* Army are upon the way to *New-Castle*; I am therefore commanded by the House of Lords, to convey to your Excellency their earnest desires that you will with all possible speed Disband all the Regiments of Foot, and the Train of Artillery of His Majesties Army: His Majesty hath been pleased Graciously to declare his Royal Assent therein, and your Excellency will here-with receive Order for the doing thereof.

The Letter
from the Lords
to the Lord
General, Aug.
11. 1641.

I shall only add that the *Scots* Commissioners are engaged to the Parliament that immediately upon the Receipt of those Arrears, their Army shall march away to *Scotland*, for which their General hath received a Command from the Parliament of *Scotland*: This House being very confident of your Lordships

August,
1641.

care in the present business, do promise to themselves a speedy and a happy conclusion thereof, for which your Excellency may justly expect their Hearty thanks, and that it will be an acceptable Service to His Majesty as may appear by His Majesties Message to this House, a Coppy whereof you will receive herewith, which as by the Command of this House is sent by

11 Aug. 1641.

Your Excellency's humble Servant, &c.

Thursday
August 12.

Serjeant *Whitfield* and Sir *Edward Leech* being sent this day by the Lords to desire a Conference by a Committee of both Houses touching the Final Conclusion with the Scots, the Earl of *Bristol* reported the Heads of the Conference which he was Ordered to deliver to the House of Commons ;

Heads of a
Conference
for a Final
Conclusion
with the
Scots.

(1.) To let the House of Commons know, That the 7th of September next is thought to be a fit day for Publick Thanksgiving for both Kingdoms for the Conclusion of the Pacification.

(2.) To know from the House of Commons, What dayes are to be allowed for the Marching away of the Scots, that the day of their passing over Tweed may be certain, they being to be paid until the 25th of August.

(3.) To let the House of Commons know, That the Exemplifications of the Acts concerning the Treaty, and Publique Faith, are both passed under the Great Seal, and delivered.

(4.) To desire them to joyn with this House, That the Scots may be moved for the delivering of the Arms and Cannons at Newcastle to his Majesties Officers.

(5.) To let them know, That the Scots desire that there may be a Warrant granted for the Transporting of 30000 l. in Money by Sea.

(6.) To know of them, what Course is to be taken for the perfecting the Treaty in Scotland.

(7.) To let them know, That the Scots desire to pass with their Army by Berwick Bridge, and in such sort as shall be for the Safety of that Town, as shall be agreed upon by their General, and the Governor of Berwick.

(8.) That the Scots desire that an Order of the House of Commons may be made for the repaying of the 28000 l. to the Bishoprick of Durham and the Town of Newcastle, that the Scots may deliver the said Order for their Discharge.

These 8. Heads being proposed to the Commons at a Conference the next day being August 13. they gave these Answers :

(1.) To the First, concerning the 7th of September to be the Day for Thanksgiving for both Kingdoms, they have agreed to it.

(2.) To the Second, For the Scots Army passing over the Tweed the 25th of August, agreed to.

(4.) To the Fourth, That the restoring of the Ordnance at Newcastle, and that the Arms and Munitions may be all restored or paid for, to be recommended to the Scots Commissioners, Agreed to.

(6.) To the Sixth, Concerning seeing the Treaty to be finished in Scotland, They desire that Commissioners may be sent from both Houses of Parliament to see the Treaty performed, and to settle the Peace of both Kingdoms.

(7.) To

(7.) *To the Seventh, Touching the Scots Army Marching through Barwick, agreed to be in such sort as shall be appointed and settled there with the General and Governor of Barwick.*

(8.) *To the Eighth, touching the Order for paying the 280000 l. to the Bishoprick of Durham and the Town of Newcastle, the House of Commons hath made an Order to that purpose, and they will deliver it to the Earl of Warwick, to be delivered to the Scots Commissioners.*

The Commons fell this day into debate about Mr. Percy, Sir John Suckling, and Mr. Fermyn, and it was urged, *That it would be made good by several Acts of Parliament, and other Presidents, That to conspire or endeavor to compel the Parliament to any thing, is Treason.* And after long canvassing of the Matter it was

Resolved, &c. *That Sir John Suckling upon the whole matter shall be charged by this House with High-Treason,*

Resolved, &c. *That Mr. Henry Percy shall be charged with High-Treason.*

Resolved, &c. *That Mr. Henry Jermyn shall be charged with High-Treason.*

The House of Commons being it seems now better Instructed since the last Conference with the Lord Privy Seal, tell upon the further Impeachment of the Bishops, which was thus Reported by Serjeant Wild.

“ **W** Hereas the Knights, Citizens and Burgeses of the Commons House of Parliament have lately impeached the several Bishops hereafter named, that is to say, *Walter Bishop of Winchester, &c.* before your Lordships in this Parliament of several Crimes and Misdemeanors, in Contriving, Making, Promulging and Executing several Constitutions, and Canons Ecclesiastical, and by granting a Benevolence or Contribution to His Majesty contrary to Law. Now the said Commons do further declare to your Lordships, that the said Canons, Constitutions, and Grant of a Benevolence, contained in two several Books, the one Intituled, the Constitutions and Canons Ecclesiastical, treated upon by the Archbishops of *Canterbury*, and *Tork* Presidents of the Convocations, for the respective Provinces of *Canterbury* and *Tork*, and the rest of the Bishops and Clergy of those Provinces, and agreed upon with the Kings Majesties License in the several Synods begun at *London* and *Tork*, Anno Dom. 1640 and in the Year of the Reign of Our Soveraign Lord King *Charles*, by the Grace of God King of *England, Scotland, France* and *Ireland* the 16. the other Intituled, a Grant of the Benevolence or Contribution to his Most Excellent Majesty, by the Clergy of the Province of *Canterbury*, in the Convocation, or Sacred Synod holden at *London*, Anno Dom. 1640. Which Things I am commanded by the House of Commons to deliver to your Lordships, and further to declare to your Lordships, That all and every the said Canons and Constitutions and Grant of Benevolence, and the Contriving, Making, Publishing and Executing of the same and every of them, were and are contrary to the King's Prerogative, the Fundamental Laws and Statutes of the Realm, the Rights of Parliament, the Propriety and Liberty of the Subject, and tending to Sedition, and of dangerous Consequence, and were so Contrived, Made, Promulged and Executed to the great Oppression of the Clergy of the Realm, and others his Majesties Subjects.

August,
1641.

Votes that Sir John Suckling, Mr. Fermyn and Mr. Percy shall be charged with High-Treason.

Friday,
August 13.

Further Impeachment of the Bishops.

August,

1641.

Order for a

Commission to

examine Wit-

nesses about

Incendiaries.

House of Com-

mons under-

takes to pay

the Scots Billet.

Money paid

for the Q. Mo-

thers Journey.

Capt. Chud-

leigh's depofi-

tion against

Mr. Jermyn,

Mr. Perce, &c.

“ and in Contempt of his Majesty, and of the Laws, and do pray as
 “ they did before, that the said Bishops may be forthwith put to their
 “ Answer in the Presence of the Commons, and that such further Pro-
 “ ceedings may be had therein, as to Law and Justice appertains.

The Scots Commissioners having desired a Commission, to Commis-
 sioners of both Nations for Examination of Witnesses about Incendiaries,
 and having given the Names of such of their Nation, as they desired
 might be in the Commission :

It was Ordered by the House of Lords, *That the Clerk of the Crown,*
shall Issue out a Commission under the Great Seal of England, and the
Lord Keeper is to Seal it accordingly, by Virtue of this Order, which
Commission is to be directed to the Lord Keeper, the Lord Privy Seal, the
Earl of Warwick, the Lord Viscount Say and Seal, Lord Wharton, and
the Lord Kimbolton, To the Lord Lowdon, Sir Patrick Hepbourn, and
John Hepbourn and John Smith Esquires, to joyn with several Members
of the House of Commons, or any five of them to examine Witnesses touch-
ing Incendiaries concerning both Kingdoms of England and Scot-
land.

The Busines of paying the Billet Money in the several Quarters
 where the Scots Army had lain, came into debate, and it was
 Resolved, &c. *That the House of Commons undertakes to discharge*
our Brethren the Scots of these Summs, and to pay the said Coun-
ties, viz.

	l.	s.	d.
To the County Palatine of am	26663	13	10
To the Town of New-Castle	2000	00	00
To the County of Northumberland	10224	06	10
Total	38888	00	08

Mr. Pym Reports,
That he had paid Seven Thousand Pounds to the Earl Marshal, for dis-
patch of the Queen-Mother out of England.

Captain Chudleigh being Examined concerning the matter of the
 Army, saith, *That Sir John Suckling told him, That he should not de-*
pend upon what Commissary Wilmot, Col. Ashburnham, or Captain Pollard
said; for they had quitted their Affection to the Army, and fallen into a
Parliamentary way: This in the Month of March before Col. Goring
went to Portsmouth.

He saith further, *That he could not conjecture by any Discourse that*
Ever he had with Mr. D'avenant, that he knew any thing of any Design
of bringing up the Army, only by the Discourse he had with him, he could
discover an affection to the Army, and that he charged him alwayes to keep
all our Discourses between us secret, because the Times were dangerous.
All this discourse he had with Mr. D'avenant, was before Col. Goring went
to Portsmouth.

Whensoever Sir John Suckling spake with him concerning any particular
 Intimations to the Army, though Mr. D'avenant was then present, he
 whispered; yet he spake some Generals openly, *That the French would*
assist; That the Clergy would maintain 1000 Horse; That part of the
Commons House was much distasted with the Letter that came from the
Army.

Army. The only Proposition was to know their Inclinations for their accepting Col. Goring for their Lieutenant General.

August,
1641.

Mr. Wilmot, Mr. Ashburnham, and Mr. Pollard told him, That the House of Commons had real Intentions towards the Army, and that they should have Martial Law, if it would stand with the Conveniency of the Common-wealth; and this they spake with much Earnestness. Sergeant Major Willis told him upon the Way, That the Clergy would furnish a Thousand Horse.

A Letter was Ordered to be sent to the Lord General, about the Affairs of the Army, which was as followeth.

Saturday,
August 14.

May it Please your Excellency,

THe Treaty of Pacification between the Two Kingdoms of England and Scotland, being come to a Happy and Peaceable Conclusion, and a Day prefixed for the Scottish Army to March over the Tweed; for the more Expedition thereof, the Scottish Commissioners have made their Request to the Parliament, that they might be permitted to pass with their Army, Munition and Artillery over Barwick Bridge. To which desire both Houses of Parliament have consented, to be in such sort, as shall be agreed and settled there by the General and Governor of Barwick.

Letter to L.
General from
the Lords a-
bout the Scots
marching by
Barwick.

Wherefore the Lords have commanded me, to recommend the Manner and Way thereof to your Excellency's Care and Judgment, not doubting but your Excellency will give such Directions to the Governor of Barwick, both for the number of Soldiers that shall March in a Company together, as also how to preserve his Majesties Ordinance and Munitions there, and secure the safety of the said Town.

And so I humbly remain

Your Excellency's Servant
to Command John Banks
Speaker of the Lords House.

A Complaint having Yesterday been made by the House of Commons, that the Capuchin Friers in Denmark House, were very active in Preverting the Kings Subjects from the True Religion, the Earl of Dorset was Ordered to attend the Queen, and move her Majesty from this House in it, and humbly to desire her Majesty, That the said Friers may be kept in, and not suffered to go abroad to pervert the People, and draw them to be reconciled to the Church of Rome. And further, That the Earl of Dorset do send for the Chief of the Capauhins, and give him warning that he obey this Command.

Capuchin Fri-
ers at Denmark
House to keep
in.

Upon reading the Petitions of the Lord Major of London, and the six Persons chosen by the Commonalty of the said City, It is Ordered, That both sides shall give Copies to each other of their Petitions, and attend the Lords Committees, appointed to compose the Differences between them on Munday next, in the Afternoon at Two of the Clock in the Painted Chamber.

Order about L.
Major, and Ci-
tizens for a
Reference.

A Message was brought from the House of Commons by Mr. Hotham, to desire That a convenient number of Lords may be kept together in this House, until the Armies be disbanded, and the necessary Defence of the Kingdom settled.

Message that a
convenient
number of
Lords may
stay in Town.

The Answer hereunto was, That their Lordships will take Care as is desired.

Whereas

August,
1641.

The Order of
the House of
Lords about
Mines Royal
in Wales Aug.
14. 1641.

Whereas this House hath been Informed, That *Thomas Bushell* Esq; Undertaker of His Majesties Mines Royal in the County of *Cardigan*, by his great Charge and Industry in cutting Additts, hath gained His Majesties old drowned and forsaken Works of *Talabant*, and other Works, and made new Discoveries of Royal Mines there, which are already very Considerable. And whereas divers Persons of Quality encouraged by His Majesties Letters to them directed, do intend to adventure great Summs of Money in the said Work, which in time, if well encouraged, may prove of great consequence, both for Honor and Profit to His Majesty and this Kingdom. And whereas also it appeareth unto this House by divers Affidavits and Certificates of Credit, that some Persons ill affected to these Honourable and Publick Services, (who in time may receive deserved Punishment) have disturbed the possession of the said *Thomas Bushell* in some of His Majesties Mines Royal and Edifices appertaining to the Royal Work, and have plucked up divers Pumps, cast in the Rubbish, and drowned, and so much as in them did lie, destroyed the said Works, so as it hath been a labour of 4 Years Night and Day to recover the same; and that the said *Thomas Bushell* hath been disturbed in the getting of Turf and Peate for the Service of His Majesties Works, being an invention of his own very commendable and commodious for the preserving of Wood, which hath been heretofore by the former Undertakers much wasted in those Parts. Now for the Remedy of such mischiefs, and that the said *Thomas Bushell* and his Assigns, and such Persons as are or shall be Undertakers and Adventurers with him in the said Service, may receive a due encouragement and assistance in these chargeable Undertakings.

It is Ordered by the Lords in the upper House of Parliament now Assembled, That the Speaker of this House in the Name and by the Authority of the same, shall direct his Letters unto the Judges of Assizes and Justices of the Peace of the said County of *Cardigan*, requiring them, that they do in all Lawful things endeavour to advance and encourage the said Service in His Majesties Royal Mines, and assist the said *Thomas Bushell*, and other Undertakers in all things so far as Lawfully they may for the continuance of his Lawful Possession, and the quiet and peaceable Working of the said Mines, until he shall be ejected by due Course of Law, as also for getting and working of Turf or Peate according to his Legal Right, upon His Majesties Waits and other places Lawful, and all other Lawful accommodations of necessary passages, and other Legal things which may any ways advance His Majesties Service in the said Royal Mines.

Commissioners to attend
the King in
Scotland.

Petition against the Minister of St.
Ann's Aldersgate.

Vote in favour
of Mr. Small a
Minister in
Lincoln Shire.
Conference about the Tower,
&c.

It was this day Ordered by the Commons, *That two Members only of this House shall go Commissioners into Scotland with the Earl of Bedford, and Mr. Hambden and Sir Philip Stapleton to be the Persons.* A Committee was also appointed to draw Instructions for them.

A Petition was read against the Minister of *St. Ann's Church* near *Aldersgate*, for speaking Words against the Parliament, (for so they called the House of Commons) saying, *It would not last alwayes, but they would hereafter be questioned for some things they have done.*

The House then took into Consideration the Case of one *Small* a Minister in *Lincolnshire*, sometime ago deprived of his Living by the Sentence of the High-Commission Court; upon which it was

Resolved, &c. That the deprivation of Edmond Small from his Living of Holm in Cam. Lincoln, by Sentence of the High Commission Court was Illegal, and he shall be restored to his Living.

There was a Conference with the Lords about putting the Kingdom into a Posture of Defence, as also about the *Tower of London*, the Lieutenant *Sir William Belfour* being gone with the King into *Scotland* about some private Affairs of his own, so that it was necessary that the Earl of *Newport* the Lord Constable of the *Tower*, should take Care of it himself. It was also there moved, *That Care might be taken of the Isles of Jersey, Wight, and Guernsey.* Which was agreed by the Lords, and 50 men

of

of the Hamlets to guard by Day, and 50 by Night, and 40 or 50 more to be added upon Emergent Occasion.

The Bill for Tonnage and Poundage for two Months longer was this day passed by Commission in the usual form and manner.

* After this the Interrogatories were delivered in to the Lords and read; upon which the Scots Commissioners desire Witnesses may be Examined, concerning the Earl of Traquayr, Sir John Hayes Clerk Register in Scotland, Sir Robert Spotswood, and Dr. Walter Balcanquell, and Mr. John Maxwell, sometime Bishop of Ross, who are pursued as Incendiaries.

The Interrogatories being approved of, It was Ordered, *That the Lord Privy Seal, E. Warwick, E. Dover, Viscount Say and Seal, L. Wharton, are appointed by this House to be Committees for the taking of the Examination of Witnesses in this Business; and their Lordships or any Three or more to meet when they please to appoint.*

Then the Lord Privy Seal, E. Pembroke, and L. Goring, were sworn at the Clerks Table, the Lord Keeper reading the Oath, and are to be Examined concerning the Incendiaries.

Ordered also, *That John E. of Sterling, Robert Young Printer, William Warnor Corrector, and Robert Chapman Composer, shall attend the Lords Committees this Afternoon, and be Sworn and Examined in the business concerning the Incendiaries.*

This was in order to the discovery of the Writer of the King's large Declaration, which was generally supposed to be Dr. Belcanquell Dean of Durham, which had so much *Mordacis Veritatis*, of sharp and cutting Truth in it, that the Scots thought there was no other Way to undo the Reputation of the Book, but by ruining the Reputation of the Author, and no way so Effectual for that, as the Brand of an Incendiary, burnt upon the forehead of his fame by this Publique Procedure, which yet could not but even then be liable to suspicion, his Enemies being his Accusers, and the Majority of these Lords Committees who were to report, and in Effect therefore to be his Judges, being apparently of the Scottish Party and Interest.

A Message was brought from the Commons by Mr. Strode, to let their Lordships know, *That they have taken into Consideration the desperate Estate the Kingdom now stands in, in the time of Disbanding the Army, and they have Considered of the Danger the King's Ammunition at Hull is in, if there should be any design upon it; Therefore they desire their Lordships would joyn with them in some Course that the Ammunition there be not stirred nor removed from thence, without the Order of both Houses of Parliament.*

Hereupon it was Ordered, *That a Letter be sent to the Lord General to give Order, That no Munition or Artillery of the Kings at Hull be removed or sent from thence but by Order from both Houses.*

Mr. Pym reports from the Committee about the Commission for the Commissioners of both Houses who are to attend the King in Scotland: *That the first thing they took into Consideration was the Commission to give Power to these Commissioners, and the doubt is, Whether such a Commission may be granted or no, the King being now out of the Kingdom, so that the Royal Assent cannot now be had, and it would be of much danger if such a Power*

August,
1641.

Monday,
August 16.
Bill for Tonnage and Poundage for two Months, passed by Commission.
* Incendiaries to be prosecuted, and who those were.

Message about the Desperate Estate of the Kingdom, and Hull.

Difficulty about the Commission for the Commissioners to go into Scotland.

August,

1641,

The Opinion
of the Lords
at a Conference about it.

a Power may not be had, and therefore they desire the Opinion of the House in this Point. Upon which a Conference was desired with the Lords upon this Subject. After which Mr. Pym Reported it to the House,

That the Lords were doubtful, and therefore propounded to have a Messenger sent to procure his Majesties Warrant, and the Commissioners to stay here till the Messenger returned; and that in the mean time they would consider of their Instructions.

This day the Earl of Dorset signified to the Lords House, *That he hath Waited on the Queen, and hath acquainted her Majesty with the Humble Desires of this House, touching restraining of the Capuchin Friers in Sommerfet-House from tampering and withdrawing the Kings People.*

The Queens
Answer about
the Capuchin
Friers at Den-
mark-House,
Aug. 17. 1641.

Her Majestie sayes, It is much against her Will that they have gone abroad, or have endeavoured to pervert any from their Religion; and her Majestie is also very unwilling that any English People should resort there to Chappel, but her Majesty will give Order to prevent these for the future.

And the Earl of Dorset said, *He would obey their Lordships Command and send for the Chief of the Capuchins, and give him a strait Command not to suffer any of the Friers to go abroad, nor any English People to come to them, or to hear Mass there.*

Votes in the
House of Lords
about the Im-
peachment of
the 13 Bi-
shops.

The Impeachment brought up from the House of Commons against the 13 Bishops was read, and the House fell into Debate what time they should have to Answer, and whether in this Debate they should be present in the House? And it was

Resolved upon the Question, That the Lords the Bishops that are Impeached may Sit in this House without Voting, when it is in Debate whether they shall have further time to Answer or not.

Resolved, &c. That such of the Bishops as are Impeached shall not Sit here in this House when the Merits of the Cause is in Debate.

Resolved, &c. That when the disposing of the manner of the Proceedings of the Cause is in Debate, the Bishops may Sit in this House, but not Vote.

The Letter to
the Lord Ge-
neral concern-
ing Hull.

The Letter drawn by the Committees of both Houses to the Lord General concerning Hull, was read as follows,

May it please your Excellency,

I Am commanded by the House of Peers to give your Lordship many thanks not only for your great care daily exprest of the Army, but for your no less vigilancy over the present distracted Estate of this Kingdom, particularly for the account given by your Excellency to my Lord Chamberlain of the doubts conceived by your Lordship concerning it, and we hope that if the causes of those doubts shall increase, that your Excellency will likewise increase both your Vigilancy to discover, and your Industry to inform us of all such proceedings, as may concern us to be made acquainted with for the Publick Good.

I am likewise to acquaint your Excellency, That to prevent all inconveniencies and dangers that may happen, of which we find your Lordship to have already so quick and just a Sence, both Houses have joyned to secure Hull, as a place of great Importance, especially by reason of the Magazine, and upon which ill affected Persons may most readily have some design: and in pursuance of that Resolution your Lordship will receive Orders from the House

of

of Commons, and I am to deliver your Lordship those of the House of Peers, That your Lordship command the Major of *Hull* in the name of both Houses to use all possible care to secure the Town committed to his charge, and not to suffer the Arms and Amunition in that Magazine to be disposed of without the Orders of both Houses.

I shall trouble your Lordship no further, but only to desire your Excellency to continue your speed of Disbanding of the Army in the method already Ordered, which till it be effected, as we are confident it will be so soon as your Lordship can bring it to pass, I am commanded to make a part of every Letter which I shall direct to your Excellency.

Your Excellencies Humble Servant,

Edward Littleton.

The Lords fell upon the Debate at what time the Bishops should put in their Answer, and it was Ordered, *That the Lords the Bishops that are Impeached by the House of Commons, are to make their Answers thereunto on Thursday come Month, being the 16th day of September next.*

It was this day Ordered by the Commons, *That Three Thousand Pound, shall be paid by the Sheriff of Hampshire out of the Poll-Money, to Colonel Goring for the Garrison of Portsmouth.*

The Committee then reported the Case about the Pattent for Soap, upon which it was

Resolved, &c. *That the Patent, Indenture, Decree and Procefs, in the Star-Chamber about Soap-Boilers is Illegal.*

The Commons having desired a Conference with the Lords, about putting the Kingdom into a Posture of Defence, Mr. *Hollis* Reports that Conference.

The Lord Chamberlain told us, his Majesty before his going, had declared, That he would appoint a General for the South Side of Trent, and that his Majesty was pleased to nominate him; and that since his Majesties going, a Commission had been delivered unto him under the Great Seal. He apprehended this too great a Burden, and knew not what Exception had been taken. to the Proceedings of the Lord Lieutenants and Deputy Lieutenants; That by this Commission in case of Tumults and Commotions, he is to raise Forces and Men for the securing the Person of the Queen, the Prince, and the rest of the Royal Family.

He offered these Difficulties, That when these Forces were raised, he knew not how to levy Money for the Payment of them, and besides he is to take a Care if there were an Invasion from Abroad, for which he was ill prepared, having no Intelligence or Correspondency from Ambassadors Abroad, or from the Fleet, and so concluded with a desire of Advice from this House.

In order to their Preparation, for giving in their Answer, It was this day Ordered by the House of Lords, *That the Bishop of Rochester, with one other of the Bishops, may have free Access, twice unto the Lord Archbishop of Canterbury, to speak with him concerning their Answer to the Impeachment brought up against them from the House of Commons, for making a Book of Canons, &c. and they are to speak with the said Archbishop of Canterbury, about no other Business.* It was also Ordered, *That the Lords, the Bishops may Access unto, and have Copies of all such Acts and Records, as are in any of his Majesties Courts of Justice and Publick Offices, which may make for their Defence or Answers to the Impeachments, brought against them from the House of Commons.*

August,
1641.

The time for
the 13 Bishops
to put in their
Answer.

3000 l. Ordered
for the
Garrison of
Portsmouth.

Monoply of
Soap voted
Illegal.

Wednesday,
August 18.
Report about
putting the
Kingdom into
a Posture of
Defence.

Orders con-
cerning the Bi-
shops to pre-
pare for their
Answer.

August,
1641.

Order to
search under
the Parlia-
ment Houses.

The Result of
the Conference
about Disar-
ming Recu-
sants Aug. 18
1641.

Upon what Ground, Information or Suspicion it does not appear, but it was this day Ordered, *That Mr. Justice Heyward, shall have Power by virtue of this Order, to search before the next Meeting of Parliament, at Roleby's House, the Tavern, and such other Houses and Vaults or Cellars as are under the Upper House of Parliament, that there be no Powder, Arms, or any other Ammunition, as may endanger the Safety of the Houses of Parliament, and hereof Account is to be given to this House.*

The Lord Viscount Say and Seal, reported the Conferences Yesterday with the House of Commons touching disarming Popish Recusants.

That because divers former directions have been frustrated, the House of Commons holds it necessary to add some extraordinary courses at this time for the disarming of Papists, there being more then extraordinary cause of danger, for effecting whereof, It is propounded and desired, That Commissioners or Committees may be forthwith sent into the Counties of most danger, as *Yorkshire, Lancashire, Cheshire, Staffordshire, Hampshire and Sussex*, Authorized by Ordinances of Parliament, to see the Papists disarmed in those places.

That these Committees may examin where the defect hath been, that former Orders have not been observed; especially in Case of such Papists as are in Power, and that they may have direction to give the Oath of Allegiance to such as are justly suspected of Popery.

That the Commons have informed, that divers Recusants have been kept from Conviction by Priviledg of Parliament, allowed in the Upper House, whereupon it was delivered as the clear Opinion of the House of Commons, That no Priviledg of Parliament is to be allowed in this Case of Conviction or Disarming of Recusants, for which these Reasons are given.

(1) That no Priviledg is allowable in Case of the Peace betwixt Private Men, much more in Case of the Peace of the Kingdom.

(2) That Priviledg cannot be Pleaded against an Indictment for any thing done out of Parliament, because all Indictments are *contra pacem Domini Regis*.

(3) Priviledg of Parliament is granted in regard of the Service of the Common-wealth, and is not to be used to the danger of the Common-wealth.

(4) That all Priviledg of Parliament, is in the power of Parliament, and is a restraint to the proceedings of other inferior Courts, but is no restraint to the proceedings of Parliament, and therefore seeing it may without in justice be denied, this being the Case of the Common-wealth, they conceive it ought not to be granted.

Whereupon it is desired that their Lordships will declare that all Priviledges shall be void in case of the Conviction or Disarming of Recusants, and that all their *Certioraris* out of the *King's Bench* to hinder the Conviction of Recusants may be Superseeded.

That this direction may extend to Lords as well as to other Common Persons, there being more cause of fear from them in regard of their Power and Greatness then from others.

That if any Popish Recusant of Quality shall be found not to be Convicted, that such Persons be commanded forthwith to attend the Parliament.

The Opinion of the House of Commons is, That Popish Recusants as this Case is, may be Disarmed by the Common-Law, being Persons justly to be suspected for some dangerous design, and that where there is cause of fear this may be extended to such Persons as have Wives Recusants, or Children, or any but considerable number of Servants, as may give good Cause of Suspitions.

That in ordinary Cases, if there be a Combination to do any mischief, to commit a Riot, Rob a House, or hurt any private Person; the Justices of the Peace may take security to prevent such damages much more in the Case where the danger of the Common-wealth is to be prevented.

divers

Divers Presidents were remembred for the Disarming of Lords of Parliament, the Marquess of Winchester, Lord Peter, Lord Vaux, Lord Arundel of Wardour and divers others.

Then after some Consideration of this Conference, It is Ordered, That this House doth joyn with the House of Commons to send Commissioners to Disarm Recusants, according to Law, for the other part of it their Lordships will take it into consideration.

Sir William Armyne brings this Answer, to the Message to the Lords, concerning the Commissioners designed for Scotland, *That the Lords are of Opinion, that the Commission and Instructions be presently prepared together with a Petition to his Majesty, and that this be sent away with all Speed; and in the mean time, the Commissioners may be going their Journey, and those Instructions and Commission, may meet them on the Way, if this House thinks fit.*

Mr. Pym reports the Petition and Instructions to the Commissioners for Scotland.

August,
1641.

The Lords Answer about the Commissioners for Scotland.

To the King's Most Excellent Majesty.

The Humble Petition of your Majesties Loyal Subjects, the Lords and Commons, now Assembled in Parliament.

Most Gracious Sovereign,

Y Our Majesties Absence at this time, the Parliament sitting, doth not only afflict us with much Grief, but hinders us in making such Provision for the Public Necessities and Dangers of the Kingdom, as we desired to do, for the Safety whereof, We shall be often forced to resort to your Majesties Wisdom and Goodness. Whereupon both Houses of Parliament have agreed to send William Earl of Bedford, Edward Lord Howard, Nathaniel Fiennes Esquire, Sir William Armyne Baronet, Sir Philip Stapleton Knight, and John Hambden Esquire, to attend your Majesty, to convey to us your Majesties Commands and Directions, and to present to your Majesty our Humble Petitions and Desires, and likewise to see the Expediting of such Acts in the Parliament of Scotland, and other Affairs, as by the late Treaty or otherwise concern the Kingdom.

Wherefore our most Humble Suit to your Majesty is, That you will be graciously pleased to admit the said William Earl of Bedford, Edward Lord Howard, Nathaniel Fiennes, Sir William Armyne, Sir Philip Stapleton and John Hambden Esquire to be your Majesties Commissioners, for the dispatch of the Affairs aforementioned, according to such Instructions, as they have now received, or shall from time to time receive from both Houses of Parliament, with your Majesties Consent and Approbation.

The Instructions for the said Commissioners follow.

I.

YOU shall take care that all those Acts that concern both Kingdoms of England and Scotland, and are already agreed upon in the Treaty between the Commissioners of both Nations, and which are Confirmed by an Act of Parliament passed in this present Session, shall likewise be confirmed

The Petition to the King concerning the Commissioners for Scotland.

The Instructions for the Commissioners.

August,
1641.

firmed and ratified in the Parliament in Scotland, and You shall take an authentique Exemplification thereof to bring home with you.

II.

You are to take Care that the Commissions agreed upon in the same Treaty concerning the Trade of both Kingdoms, and concerning the Publique Peace and Correspondency betwixt the Two Nations, may be settled and dispatched accordingly.

III.

You are to demand Satisfaction of such Debts as shall remain due to the Northern Counties of England, for any Money or Provision taken up by the Scottish Army.

IV.

You shall be Careful to clear the Proceedings of the Parliament of England towards the Scots, if you find any false Reports or Imputations cast on those Proceedings by persons ill-affected to the Peace of both Kingdoms.

V.

You shall upon all fit Occasions assure the Parliament of Scotland of the good Affections of his Majesties Subjects of the Parliament of England, and all things which shall concern the Service of his Majesty and the Peace and Prosperity of both Nations.

VI.

You shall be Careful to certify the Lords and Commons in this present Parliament from time to time of all Proceedings therein, and of all Occurrences which shall concern the good of this Kingdom.

VII.

You shall put in Execution such further Instructions as you shall receive from the Lords and Commons in this present Parliament, with his Majesties Approbation and Consent signified under his Royal Hand.

It was Ordered, That Mr. Anthony Nichols a Member of this House, shall go to his Majesty from this House with the Petition and Instructions.

It was likewise Ordered, That a Thousand pounds shall be advanced by Sir Robert Pye, Mr. Wheeler, and the Treasurers of Money for Westminster for the Commissioners Charges, and their Acquittance, or any two of them, to be a Discharge.

Sir Philip Stapleton and Mr. Hollis were also Ordered to attend Her Majesty, to know what Commands her Majesty will lay upon the Members of this House that are to go to His Majesty in Scotland.

The Lord General, as indeed any person moderately skilled in Martial Affairs would have done, made some difficulty, it seems, of letting so powerful an Army, though of our Dear Brethren of Scotland, March through so Important a Pass as the Town of Barwick, and upon this wrote to the Parliament concerning it; Whereupon the Lord Keeper Littleton returned this Answer:

Mr. Nichols to go with the Petition, &c. 1000l. advanced for the Charges of the Commissioners.

Sir Ph. Stapleton and Mr. Hollis to attend the Q. before they go for Scotland.

My

My Lord,

I Have received your Letter dated the 16th of this present Month, concerning the Passage of the Scots over Barwick Bridge, and have acquainted the Lords with the same; they have Commanded me to signifie unto your Lordship, That since it is a Resolution taken by both Houses, and consented to by them, they see no Cause to alter it, or to give an Occasion to the Scots to hinder their March as is agreed and concluded on by the Treaty here, and therefore they adhere to their first Order to your Lordship for their Passage over Barwick Bridge, and do require your Lordship to obey the Order of the Houses; only for the Manner and Order, they recommend it to your Lordships Care and Directions, that it may be speedy and with Safety. God have your Lordship in his Keeping.

Your, &c.

His Majesty was now Safely Arrived in Scotland, purposing with all Application imaginable to Settle and Quiet the Minds of his Subjects of that Kingdom, in hopes that it might conduce very much to the Composure of the Affairs of England; and for this purpose at his first appearance in the Parliament of Scotland, being Thursday, August 19th, he made this following Speech.

My Lords and Gentlemen,

T Here hath nothing been so displeasing to Me as those Unlucky Differences which have happened between Me and My People; and nothing that I have more desired, than to see this Day, wherein I hope not only to settle these Unhappy Mistakings, but rightly to know and to be known of My Native Countrey.

I need not tell you (for I think it is well known to most) what Difficulties I have passed through and overcome to be here at this present: Yet this I will say, If Love to My Native Countrey had not been a chief Motive to this Journey, other respects might easily have found a shift to do that by a Commission, which I am come to perform My Self. And this considered, I cannot doubt of such real Testimonies of your Affections for the maintenance of that Royal Power which I enjoy after an Hundred and eight Descents, and which you have professed to maintain, and to which your own National Oath doth oblige you, that I shall not think any Pains ill bestowed.

Now the End of My Coming is shortly this, to perfect whatsoever I have promised, and withal to quiet the Distractions which have and may fall out amongst you: And this I mind not superficially, but fully and chearfully to perform. For I assure you, That I can do nothing with more chearfulness, then to give My People a general Satisfaction. Wherefore not offering to Endear My Self unto you in Words, (which indeed is not My way) I desire in the first place to Settle that which concerns the Religion and Just Liberties of this My Native Countrey, before I proceed to any other Act.

In the House of Commons, one Mr. Sewer did this day give Information, that he did see on Monday was seven-Night, a great many Arms in

August,
1641.

Letter to the
Lord General
for the Scots
to March over
Barwick
Bridge.

Monday,
Aug. 19.

His Majesties
Speech to the
Parliament of
Scotland, Aug.
19. 1641.

Information
of Arms in the
Marquess of
Winton's House
at Basing-Stoke.

August,
1641.

Order about
disbanding.

Commission
for the Com-
missioners that
are to go to
Scotland.

Votes about
Mr. Cooper sus-
pended by Dr.
Rone and Sir
John Lamb.

Order of both
Houses for dis-
banding the
Army.

in the Marquis of Winchester's House at Basingstoke a Recusant, and that the Keepers of them told him, there were Arms for a thousand five hundred Men.

One *Welsh* an *Irish* Priest was ordered to be sent for, and if he refused to come, to be taken into Custody by the Serjeant.

It was also Ordered, *That* Mr. Arthur Goodwin, Mr. Hotham and Sir Henry Anderson, *shall go into the North about disbanding the Army, to whom* Mr. Scowen was afterwards added by a Vote of the House.

The Copy of the Commission to be sent for his Majesty to Sign, for the Commissioners to impower them to go into, and Act in *Scotland* was also read, which was as follows.

CHARLES by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. To Our Trusty and right well Beloved William Earl of Bedford, and to Our trusty and right well Beloved Edward Lord Howard, and also to Our trusty and well Beloved Nathaniel Fiennes Esquire, Sir William Armyn Baronet, Sir Philip Stapleton Knight and John Hambden Esquire Greeting. Know Ye, that We reposing special Trust and Confidence in your approved Fidelity, Wisdom and Discretions, have Nominated and Appointed you to be Our Commissioners, and by these said Presents, give unto you, or any three or more of you, full Power and Authority to go into Our Kingdom of Scotland, and there to Treat Confer and Conclude with such of Our Commissioners, as shall be Named and Authorized in Our Parliament of Scotland, according to the Instructions hereunto Annexed; And you or any three or more of you, are likewise to Observe and Pursue all such further Instructions, as you, or any three or more of you as aforesaid, shall from time to time receive from the Lords and Commons Assembled in Our Parliament of England with Our Consent and Approbation, Signified under Our Royal Hand. In Witness, &c.

The House took into Consideration the Case of Mr. Cooper Rector of *Alton* in *Com. Huntington*, and it was

Resolved, &c. *That the Suspension of Mr. Cooper, Rector of Alton in Com. Huntington, for not reading the Book of Recreations, is illegal.*

Resolved, &c. *That Doctor Rone and Sir John Lamb ought to give him Reparation for his Damages sustained, and that his Suspension be taken off.*

Post Meridiem Mr. Pym Reports the Order agreed upon by both Houses, for the Disbanding in *hæc verba*.

WHereas it was Ordered by the Lords and Commons in Parliament August 7. 1641. *That the Horse Troops of the King's Army be forthwith Disbanded, whereunto his Majesty gave his Consent, and signified his gracious Pleasure to have it effected accordingly, all which was certified to the Earl of Holland General of his Majesties Army, by two several Letters from the Speakers of both Houses respectively, and withal a Copy of the same sent unto him. We understand by a Letter from the Lord General, that none of the Horse are yet disbanded, nor intended to be disbanded until the 24th of this Month, and that it is propounded, that some*

of

of the Foot shall then be disbanded, before the rest of the Horse, now both the Houses of Parliament, expecting that this Order should have been performed accordingly, do hereby expressly Order, that the Lord General, all further Delays and Excuses set apart, shall forthwith disband all the Horse Troops of the Army before any of the Foot, and commanded them, and all the Officers of the said Horse Troops to depart from the Army, which they do hereby declare to be a Matter of great Importance, to the good of the Common-Wealth, and therefore they do expect a quick and ready Obedience thereunto, as well by the Lord General, as by all other Commanders, Officers and Soldiers of the Army, whereof they expect a strict and speedy Account. After which Mr. Pym and Sir John Culpeper were Ordered to draw a Letter to be sent to the Lord General, and Mr. Rushworth Clerk, Assistant of the House of Commons to ride Post with it, and the House will take it into Consideration, to requite him for his Pains and Charges.

August,
1641.

This Day Sir William Bringhurst, Mr. Wilson, Mr. Broadgate, Mr. Slany, Mr. Gardner and Mr. Inego Jones were Ordered to be Bailed, and 10000 l. for the Principals, and 5000 l. for each of the Sureties.

The Ordinance of the Lords and Commons, for the Commissioners for Scotland, was read in the Commons House in these Words.

Friday,
August 20.
Diverse Persons Bailed.
The first Ordinance of the Lords and Commons about Commissioners to go to Scotland.

THe Lords and Commons in this present Parliament Assembled, do hereby Order and Appoint, William Earl of Bedford, Edward Lord Howard, two of the Peers of the Lords House, Nathanel Fiennes Esquire, Sir William Armyne Baronet, Sir Philip Stapleton Knight and John Hamden Esquire, Members of the House of Commons, to be Committees for both Houses of Parliament, to attend the Kings Majesty during his Absence in the Kingdom of Scotland, and do hereby Authorize them, or any three or more of them, from time to time, to present to his Most Excellent Majesty the humble desires, Counsel and Advice of his Majesties most Loyal Subjects, the Lords and Commons in Parliament, according to such Instructions, and Directions, as are hereunto annexed, or shall at any time hereafter be sent unto them, by the Order and Consent of both Houses.

The Commissioners Instructions.

I.

YOU shall humbly desire his Majesty, That the Treaty agreed upon, between the Commissioners of England and Scotland, confirmed and ratified in this present Parliament, may likewise be confirmed and ratified in the Parliament in Scotland.

II.

You shall present to his Majesty the just Demands of any of his Loyal Subjects of England, concerning a due Satisfaction to be made of all Debts, due to them for Money, Arms or Provisions, taken up by the Scottish Army.

III.

If you shall understand that the Army of Scotland is not returned back, or the Army of England not disbanded, according to the Articles of the Treaty,

Instructions
for the Com-
missioners for
Scotland.

August,
1641.

this might have been done with half the Charges, if the E. Strafford's Advice had been taken.

Money Ordered disbanding the Army.

The Qs. Answer to the Commons about the Commissioners carrying any Message to the King. Order about the L. Major and Commonalty of London, about the choice of one Sheriff.

ty, and Order of Parliament you shall be very instant and earnest in Petitioning his Majesty that all Obstacles and Impediments taken away, the Kingdom may be freed from that great Charge, and those Mischeifs, under which it groans by reason of those Armies.

IV.

You shall by all fit ways of Petition and Intercession to his Majesty, further and preserve the Peace and good Correspondency, betwixt the two Kingdoms of England and Scotland.

V.

You shall from time to time Certifie both Houses of Parliament, of such Accidents and Occurrences as may concern the good of the Kingdom.

Which Ordinance and Instructions were agreed to, by the Lords at a Conference this Day.

The great Obstacle to the disbanding the Army, though it filled the Heads of the Party with Fears and Jealousies, which from them was diffused through the whole Nation, was perfectly the want of Money, and not such Designs of dangerous Consequence, as were pretended to amuse the People, this they well knew, and therefore Ordered thirty thousand Pound to be sent down to Pay and Disband the Army.

A Message was brought from her Majesty to the House, That her Majesty returns her Thanks for the Respects of this House, but She hath lately sent to His Majesty, and hath nothing at this time to write.

This Morning the Lord Privy Seal Reported, That the Lords Committees meet Yesterday, to see if they could Mediate and Compose the Differences between the Lord Mayor of London, and the Commonalty, touching the Election of one Sheriff, but they could have no success in it, and so left it to the Consideration of this House. Hereupon the Lord Viscount Say and Seal, and the Lord Bishop of Lincoln, were appointed to withdraw, and consider of an Order for settling the Election of the Sheriff *pro hac vicé*, with a *Salvo* on both Parts, which Order is to be entred in the Books of the Chamber of London, the Order was in these Words.

IN the Cause depending between the Commons and Citizens, and the Lord Major of the City of London, about the Nominating and Electing of one of the Sheriffs of the said City for this Year ensuing, their Lordships taking it into their Consideration, that the Election should have been dispatched upon Mid-Summer day last past, and finding that upon Omission of performing the Election, as upon that Day, Devolutions have ensued *pro tali vicé*, to the Commonalty of London, do Order that for this time the said Commonalty shall forthwith proceed to the Nomination and Election of both their Sheriffs for the Year following, hoping that for the first of the two Sheriffs, they will make choice of that Party that was Nominated by the Lord Major, and their Lordships do further declare, That this Order shall be no way prejudicial to any Right and Prerogative claimed by the Lords the Majors of the City of London for the time being, nor yet to any Right or Claim made by the Commons or Citizens in this matter now in Question amongst them.

It was also Ordered, That those Lords that are to go into Scotland, with some of the Members of the House of Commons, shall go to the Lord General in their Passage, to desire that the Order of both Houses may be put into speedy Execution, for the disbanding of the Horse, and they are to give an Account of the Lord Generals Answer.

Upon signification this day made unto the Lords House that an Indictment and Conviction in London, against the Lady Margaret Wotton for Recusancy, is returned into the Treasurers and Remembrancers Office of the Court of Exchequer and the Pipe, contrary to former Orders of this House in that behalf, and against the Priviledges of the same. It is Ordered, That no further Proceedings shall from henceforth be had in the said Treasurers, Remembrancers, or Pipe Offices, against the said Lady upon the said Conviction, nor any Process shall be thence made, or issue thereupon, until this House shall give further Order in this Matter.

Upon a former Information to the Commons by one Sewer, that he had seen a great quantity of Arms in the Marquis of Winchester's House, the Commons desired a Conference with the Lords about it, which Conference was thus Reported by Mr. Pym.

That the Earl of Warwick said, That whereas this House had propounded the Disarming of Recusants, their Lordships agreed with them in the matter, but desired a free Conference concerning the manner; but it was remembered by another Lord, that the manner was likewise propounded, which was to send down Commissioners into all Counties to see it done, upon which the Lords desired of this House to consider what men to send down, and they did fully agree to the manner.

This Day the Lord Keeper signified to the House, That His Majesty hath Commanded Mr. Nicholas the Clerk of the Council to let their Lordships know, That His Majesty is so far now engaged to the Spanish Ambassador for four Regiments of Irish, That His Majesty cannot go back now; and that it was assured His Majesty before he went from London, that both Houses were content, only it wanted the formality of Voting; whereupon His Majesty gave an absolute Order for the Levying and Transporting of those Men; and reiterated His Majesties promises to the Ambassador; wherefore His Majesty would have the Houses acquainted herewith, that those Levies may not be stopt. Which was afterwards at a Conference communicated to the House of Commons.

A Letter from the Lord General the Earl of Holland was this Day Read, informing the Lords, That he had not been wanting in diligence to fulfil their Orders and Commands in Disbanding the Army, and that it was an affliction to him that the best Service he was able to perform, was not better accepted by their Lordships; That he had done all that lay in his Power, and that as soon as the Accounts for Billetting could be stated, they should be discharged; but till Money came to them, they could not do it.

This was seconded by a Letter from Sir William Udal, informing, That they can proceed no further in the Disbanding till there be a Supply of Money, and that he hath not above 200 l. in his hands.

Whereupon It was Ordered, That the Gentlemen that serve for the City of London shall endeavour to Borrow 40000 l. of the City upon the Credit of the Two last Bills of 4 Subsidies and the Poll-Bill, without which the Army cannot be Disbanded.

August,
1641.

The Commissioners for Scotland to quicken the Disbanding. Order to stop proceedings upon the Conviction of the Lady Wotton a Recusant.

Saturday,
August 21.
Disarming of Recusants.

A Message from the King about Soldiers for the Spanish Ambassador.

Monday,
August 23.
Letters from the E. of Holland and Sir William Udal about disbanding.

Tuesday,
August 24.

August,
1641.

The Speakers
Letter to the
Sheriffs about
the Poll Mony.

The *Speaker* of the House of Commons was likewise Ordered to write a Letter in the Name of the House to those Sheriffs who were thought deficient in gathering the Poll-Money, to quicken them, in the Collecting and sending of it to the Army. The Copy of which Letter was thus ;

SIR,

THE House of Commons did hope, that in so great a time and so visible a Necessity of present Money, no private person, much less any Publique Officers, would have been so slow in contributing their Assistance to the getting in of the Poll-Money; but by the not coming in of this, from the slow and slender coming of it from others, together with more particular Informations, this House is forced to believe that both Payers, Assessors, Collectors, and Returners, are in fault concerning it.

I am therefore Commanded to let you know from the House, That as you tender your Own, or the Publique Good, you make all possible hast in returning such Money as you have ready; and that you will make known to the Commissioners, That, if we be not by them prevented, the House intends to make a review of the Assessments, to the End, that wherein the Assessors through partiality shall be found either to have left any uncharged, whom the Act chargeth, or to have charged any lower than they are charged by the Act, those that shall be found faulty, may incur both the ill Opinion and severe Punishment of Parliament as Contemners of the greatest Authority, in a time of greatest Necessity; and by that Contempt being Causes of the Armies less speedy Disbanding, to the Danger as well as the unsupportable and unnecessary Expence of the Kingdom.

An Order was likewise drawn up and presented to the Lords at a Conference, by Mr. Pym, with the Reasons of it, the Necessity of present Money, for the several Counties therein mentioned to pay in their Poll-Money at York. See the Order it self.

August 24. 1641.

An Order of the Lords and Commons in Parliament, concerning the more speedy Transportation of the Poll-Mony to York, for Disbanding of His Majesties Army.

The Order of
both Houses
for paying in
the Poll-Mony
at York to
Expedite the
Disbanding,
Aug. 24. 1641.

WHereas it is Enacted, that the Sheriffs of the Counties and Cities hereafter named, shall amongst others, pay such Summs of money, as they shall receive for Poll-money, to the Treasurer in the Act named, in the Chamberlains Office within the City of London.

Now forasmuch as their long delay and slow payment is very burthensom and dangerous to the Kingdom, because the Kings Army in the North, by this means remains un-disbanded, to the insupportable Charge of the Commonwealth.

For the more speedy relief of the Kingdom, the Lords and Commons in this Parliament assembled, do hereby order and ordain, that the several Sheriffs of Worcester, Cambridge, Huntington, Leicester, Northampton, Rutland, Warwick, and of the Cities that are Counties within those Countries, and every of them respectively, shall forthwith on notice of this Order, send such Monies now in their hands, or shall come to his Hand, or any of their Hands respectively, or to the Hands of his Under-Sheriff or Deputy, or to the Hands of any of their Under-Sheriffs or Deputies respectively, under a sufficient Guard and Convoy to the City of York, to pay the same to Sir William Udall Knight, Treasurer

Treasurer of His Majesties Army, now there residing, takeing his acquittance for the same: which acquittance the said several Sheriffs respectively shall send to the Chamber of *London*; and that the said Treasurer in the Act named, shall accept of the same, as if so much Money were paid in *specie*, and shall deliver an Acquittance or Acquittances for the same, which shall be as sufficient a discharge to the said several Sheriffs, as if the Mony had been paid there.

And the said Treasurer of the Army, is hereby required, that he shall as speedily as he may, after the receipt of any such Summs from any of the Sheriffs afore-mentioned, send up to the said Treasurer of the Chamber of *London*, present and distinct Certificates of the same.

It is further Ordered, that the several Sheriffs of the Counties through which these Moneys do pass, shall provide a sufficient Convoy to Guard the same through the several Counties: and that the Sheriffs under whose charge the Money is, shall have allowance for Transportation thereof in their several Accounts.

Lastly, it is ordered that a strict account be taken of the proceedings of the several Sheriffs; as also, the Treasurer of His Majesties Army, and of the Treasurer appointed by the Act, and of their obedience and conformity to this Order: and if any shall fail therein, it shall be Interpreted as a great neglect of the safety of the Kingdom, and contempt of both Houses of Parliament; for which they shall be called to answer, and make satisfaction as well for their offence, as for such damage as the Common-wealth hath undergone by their default.

There came Letters also this day, That the *Scotch* Army, were marched away, and that his Majesty had prevailed with the Parliament of *Scotland*, that their Ordnance and Ammunition should be left at *Newcastle*, to be conveyed to *London* or some other Magazine.

There was this day a Debate in the Commons House about Disbanding the Officers of the Army who are about the Town, and after that concerning the Pay due to Commissary *Wilmot*, *Coll. Ashburnham*, *Mr. Percy*, &c. Upon which it was Resolved, *That their Pay should for the present be stopped*. Whereupon *Mr. Selden* stood up and spoke in mitigation of their faults, *Conceiving them*, as he said, *not only acquitted, but pardoned by the Act of Pacification, which was an Act of Pardon*. But to this it was answered, *That, that Act concerned only the Differences between the Two Kingdoms, and not the Offences of particular persons; for that if it did, the Archbishop of Canterbury, and other Delinquents, could not be proceeded against*.

This day the Lord Mayor of *London* having Petitioned the House of Lords, and attending there he was called in, and the Recorder desired to be heard in the behalf of the Lord Mayor and Aldermen, touching the Order made lately by this House concerning the Election of one of the Sheriffs of *London*, which he said concerned very much the Government of that City, and likewise to acquaint their Lordships with some of the things which will ensue as inconveniencies to the City thereupon.

Upon this the Major and Recorder and others were commanded to withdraw, and this House taking the same into Consideration, *Resolved to hear them in any thing which concerns the good Government of the City, or any grievances which are likely to grow upon the City by other Occasions, but not to hear them to speak any thing to arraign the Orders of this House*.

The Petition of the Mayor, &c. was read, among other Complaints sets forth, *That they doubt the Commons of the said City will throw off*

August,
1641.

Wednesday,
August 25.

Lord Major of
London Peti-
tions the
Lords.

August,
1641.

the Government of the Common-Council, which tends much to the Peace and Wellfare of the City.

Then the Lord Mayor, Aldermen and Recorder were called in again, and the Lord Keeper told them, *That their Petition hath been read, and that their Lordships conceive their Order to be very just, and no ways prejudicial to either side, it being with a saving of both Rights, therefore will hear nothing to arraign it.*

As for the Government of the City, the Lords are very careful of it, and Command the Lord Mayor, &c. to be so likewise : And for the Common-Council their Lordships do let them know, That they are resolved to maintain it, as tending much to the well and quiet Government of the City ; and when the particular matters of Difference between them and the Commons shall appear, this House will do what they can to settle the differences between them.

Thus did every thing run swiftly down the Torrent, against not only the Monarchy, but even the Image of it ; the Popular humor, and inclination to Popular Government being grown Predominant, and the Epidemical Disease both in the Church and State.

The Conference about the State of the Navy,
Aug. 26. 1641.

THe Lord Bishop of Lincoln Reported the Conference about the state of the Navy, *That the House of Commons have taken into their Consideration the Present State of the King's Navy, and they find that many Ships are laid by, and twelve no Use is to be made of them: also they find that the Arrears of the Officers of the Navy are very great, and the Provisions of the Magazines decayed, That for the Guarding of the Narrow Seas this Year, the House of Commons set forth Ten of the King's Navy, and Ten Merchants Ships, the Charge whereof will amount to 59000 l, towards the Payment whereof, there is only advanced 12000 l. out of the Money granted to the King for Tonnage and Poundage ; And considering, that the Sea-men when they come home will Expect their pay, and are to remain in their Pay, until they receive their Wages, which will grow to an Excessive Charge, unless some Course be taken for providing of the said 57000 l.*

For defraying of which Sum, and for discharging of other Charges of the Navy, the House of Commons are of Opinion, and desire this House to joyn with them in it, That the Commissioners of the Treasury do issue out Warrants to the Farmers of the Custom-House, to pay 15000 l. a Month to the Treasurers of his Majesties Navy out of the Money received for Tonnage and Poundage, towards the raising the aforesaid Sums ; the time to begin from the First day of August 1641, to the First day of December next, and that some Member of this House be joyned with Two of the House of Commons to see this done in the time of the Recess.

And further, the House of Commons desires that the Lord General may receive Directions to give Order to the Governor of Barwick to ship the Ordnance and Ammunition there, in such Ships as shall be appointed to bring them to the Tower of London ; and the like Warrant to be given to the Governor of Carlisle, to bring the Ordnance and Ammunition from Carlisle to Newcastle, to be Shipped for the Tower ; which Ships are to be Waisted by one of his Majesties Ships.

Hereupon it was Ordered, That this House doth joyn with the House of Commons herein.

A Letter was also this day Read, which was drawn up by the Select Committees of both Houses to be sent to the Lord General in these Terms.

May it please your Excellency.

I Presented your Letters of the 23d. of August to the House of Peers, by which they understand what progress your Excellency hath made in Disbanding the Army, wherein your diligence hath prevented the time propounded in your former Letter; and I am commanded to declare, that in their apprehension, your Excellency hath hereby fully and clearly expressed your care of the Publick Good and Safety of the Kingdom, and your respect to the House, which works in them much contentments and yields a great return of Honor to your self: as nothing can be dearer to the Parliament than the Publick Good, so your Excellency can in no way more advance your self in their Estimation, then by joyning with them in that affection.

The Reason which moved them to desire the Horse might be first Disbanded, was of very special Importance, and still inclineth them to continue the same expectation for those who are yet undisbanded: but for the time past, they rest satisfied in the answer and proceedings of your Excellency, assuring themselves, That though there was some difference in the way, yet you fully agreed with them in the end, which is to ease the Commonwealth and settle the publick Peace with as much expedition as may be, for the more speedy effecting whereof there is already 23000l. on the way, and Order given for 27000l. more to be sent with all speed; and a Course taken by the House of Commons to quicken the payments of the Poll Money in the Nine Shires adjoining to York; and both Houses of Parliament have by an express Ordinance commanded the Sheriffs of eight other Counties, to bring all their Money immediately to York; whereby the House conceiveth and hopeth your Excellency will be supplied with Treasure sufficient to Disband the remainder of the Army at the time prescribed or sooner if it may be; and that by your prudent and faithful effecting thereof, the heavy burthen of Care and Pains which lies upon you in the discharge of this great Trust will be removed, and shall end in the thanks and obligations of this House and of the whole Kingdom, producing to your Excellency such an Increase of Honor and happiness as shall be suitable to your own Merit and the desires of,

Your Excellency's humble Servant,

Edward Littleton Custos Sigilli.

To stir up the City to lend more money, the Commons fell upon the Debate of the Case of London-Derry, and thereupon,

Mr. Whistler Reports from the Committee appointed to examin that matter, the Case of London-Derry, upon which it was,

(1) Resolved upon the Question, That it is the Opinion of this House that the Citizens of London were solicited and pressed to the under taking of the Plantation of London-Derry.

(2) Resolved, &c. That the Copy attested with Mr. Soams his Hand, is a true Copy of the Sentence in the Star-Chamber given against the Mayor and Commonalty of the City of London, and the Society of the Governor and Assistants

August,
1641.

The Letter to the Lord General about the 9 Counties paying Poll-Money at York, to finish the Disbanding.

Votes about London-Derry in Ireland.

sistants of *London*, of the new Plantation of *Ulster* in the Kingdom of *Ireland*.

(3) *Resolved, &c.* That the Order made in the Court of Star-Chamber, Dated 8. *May* 8 *Car.* is unlawful both for the Matter, Persons, and time therein prefixed,

(4) *Resolved, &c.* That the King was not deceived in the Grant which he made unto the Society of Governors and Assistants of *London* of the new Plantation of *Ulster* in the Kingdom of *Ireland*; in particular, not in creating a new Corporation called the Society of the Governor and Assistants of *London*, of the new Plantation of *Ulster* in the Kingdom of *Ireland*.

(5) *Resolved, &c.* That in creating the new Corporation of the Society of the Governor &c. The King did not by that Patent grant more Lands then was by him intended to be granted, nor was therein deceived.

(6) *Resolved &c.* That it doth not appear by sufficient Proof that the Citizens of *London* were tyed to perform the Printed Articles, and consequently not bound to plant with *English* and *Scots*, nor restrained from planting with Natives.

(7) *Resolved, &c.* That though by the 27 Article, the City was to build 200 Houses in *Derry*, and 100 Houses at *Colerain* by the first Day of *November* 1611, admitting the Houses were not Built, nor the Castle of *Culmore* repaired by the time prefixed, yet this is no Crime, nor cause for giving Damages, in regard the City had not their Patent until the 29th of *March* 1613.

(8) *Resolved, &c.* That there is no proof that the Governor and Assistants of *London*, of the new Plantations or any of the twelve Companies, did make any Lease unto any Popish Recusant, nor of any decay of Religion there by default of the Planters.

(9) *Resolved, &c.* That there is no proof of any default in the Planters, for not making of a sufficient number of Free-holders, nor any Article that doth tye them thereunto.

(10) *Resolved, &c.* That there is no proof that the City of *London* or their Governor of the new Plantation, have felled any Trees in the Woods called *Glancanking* and *Killitrough* contrary to their Covenant.

(11) *Resolved, &c.* That the not conveying of Glebe-Lands to the several Incumbents of the several Parish Churches, in regard they did not enjoy the Lands, is no Crime punishable, nor cause of Seizure of their Lands.

(12) *Resolved, &c.* That the breach of Covenant (if any such were) is no sufficient cause to forfeit Lands.

(13) *Resolved, &c.* That the breach of Covenant is no Crime, but Tryable in the ordinary Courts of Justice.

(14) *Resolved, &c.* That the Court of Star-Chamber whilst it stood as a Court, had not any power to examin or determin breach of Covenant or Trust.

(15) *Resolved, &c.* That the Court of Star-Chamber while it stood a Court, had no power to examin Free-hold Inheritance.

(16) *Resolved, &c.* That the Sentence upon these two Corporations aggregate, no particular Person being Guilty is against Law.

(17) *Resolved, &c.* That in all the proof of this cause, there doth not appear matter sufficient to convince the City of *London* of any Crime.

(18) *Resolved, &c.* That upon the whole matter, this Sentence in the Star-Chamber was unlawful and unjust.

(19) *Resolved, &c.* That this composition and agreement made with the City upon these Terms, in this time of extremity, ought not to bind the City.

(20) *Resolved, &c.* That this House is of Opinion, that when the King shall be pleased to repay those Monies which he hath received upon this composition, and such Rents as he hath received by colour of this Sentence, that then His Majesty shall be restored to the same State he was in, and the Patent thereupon gotten shall be cancelled or surrendered.

(21) *Resolved, &c.* That the Citizens of *London*, and all those against whom the Judgment is given in the *Scire facias*, shall be discharged of that Judgment.

(22) *Resolved,*

(22) *Resolved, &c.* That the Opinion of this House is, That they think fit, that both the Citizens of *London*, and those of the new Plantation, and all under Tennants, and all those put out of possession by the Sequestration, or Kings Commillioners, shall be restored to the same State they were in before the Sentence in the Star-Chamber.

August,
1641.

The Plague which had for some time visited the City of *London*, began now to spread and increase, upon which there was a Petition from the Magistrates, Ministers and People of the City of *London*, for a Day to be set apart for Solemn Humiliation and Fasting, to implore the Divine Majesty, to avert the impending Judgment of the Pestilence from the City and Nation.

The Plague in
London.
City Petition
for a Fast.

This day it was moved, *That there should be some publick Notice given of the Day appointed for publick Thanksgiving, for the Pacification, being the seventh of September, and a Declaration for this purpose being framed and read,* was carried up to the Lords for their Concurrence, which they readily gave, the Order was as follows.

Friday,
August 27.

An Ordinance of Parliament for a Day of Publick Thanksgiving, for the Peace, Concluded between England and Scotland.

“ **W** Hereas it hath pleased Almighty God to give a happy close
“ to the Treaty of Peace, between the two Nations of *Eng-*
“ *land* and *Scotland*, by his wise Providence defeating the evil hopes
“ of the subtil Adversaries of both Kingdoms; For which great Mercy
“ it was by the Kings Most Excellent Majesty, the Lords and Commons
“ in this present Parliament Enacted, That there should be a publick
“ **Thanksgiving** in all the Parish Churches of his Majesties Dominions;
“ It is now ordained and declared by the Lords and Commons in
“ **Parliament**, that the time for the Celebration of that Publick Thanks
“ to Almighty God, for so great and publick a Blessing, shall be on
“ *Tuesday* the seventh of *September* next, by Prayers, Reading, and
“ Preaching of the Word in all Churches and Chappels of this Realm,
“ whereof We require a Careful and due Observance: That we may
“ joyn in giving Thanks, as we partake of the Blessing, with Our
“ Brethren in *Scotland*, who have designed the same Day for that
“ Duty.

The Ordinance
of Parliament
for the Thanks-
giving for the
Pacification
Aug. 27 1641.

Die Veneris 27. die
Augusti 1641.

Ordered by the Lords in Parliament that the
abovesaid Ordinance be Printed.

God save the KING.

There was also a Conference with the Lords about the adjournment or Recess of the Parliament for some time, the Lords liked the time of the Adjournment, which was to be the ninth of *September*, but desired the Adjournment might be till the first of *November*; but the Commons who had before voted in their House, that it should continue only till the 20th of *October*, were resolute, as indeed generally they were, to yield little to the Lords, not to depart from their former Vote, and therefore returning from the Conference, upon the Debate it was

Conference a-
bout the Re-
cess of the
Parliament.

Resolved

August,
1641.

Resolved upon the Question, *That this House shall insist upon the former Day of Return, to be the 20 of October. And the Reasons which were presented to the Lords were,*

(1) *The Nature of the Causes, which are depending in both Houses, some whereof being for High Treasons, and the Impeachment of the Judges, the Inception of which Businesses, they desire may be before the next Term.*

(2) *The time of Payments of Monies promised to the City of York, falls out to be before the first of November, therefore they desire their Lordships, would joyn with them to have the Recess only till the 20th of October next.*

To which the Lords condescended, provided there fall out no emergent Occasion, between this and *Wednesday* come seven Night.

Ordered, *That the Lords be kept together until the Recess.*

A Petition of
Sir George Rad-
cliff, and a
Letter to the
Lords Chief
Justices in Ire-
land upon it,
Aug. 27. 1641.

A Petition having been presented to the Lords by Sir George Radcliff, complaining that he being seized in Fee of some Lands in Ireland, is dispossessed of the same in respect of the Impeachment of Treason against him here, by means whereof he hath not received any thing, out of his Estate in Ireland, for about six Months last, and so had wanted Bread, if he had not been supplied by the Charity of some Friends. He therefore humbly prays, that he may be restored to his said Estate, and be Enabled by Order of this House, to demand his Rents there due unto him, whereby he may be able to sustain himself and his Family from want.

Hereupon the Lord Privy Seal, the Lord Bishop of *Lincoln*, and the Lord *Wharton*, were Ordered to draw up a Letter, to be sent to the two Chief Justices in *Ireland*, to desire them to prevent by what Legal way they can, the Estate of the said Sir George Radcliff from Ruine, whereby he may have Maintenance to sustain him. The Tenor of which was this.

After my very heartiest Commendations, &c. unto your Lordships, I am to give your Lordships to understand, from the Right Honorable the Peers Assembled in Parliament, That their Lordships having taken the Petition of Sir George Radcliff into their Mature Consideration; a Copy whereof your Lordships shall receive herewith inclosed, they do not as yet apprehend any Reason, why the Petitioners Estate upon an Impeachment only should be so sequestred, and the Lands and Leases so entred upon and invaded, as that he should have no Means left him for his Maintenance, and other Necessaries during the time of his Imprisonment.

But because your Lordships, to whom his Most Excellent Majesty hath committed the Justice and Government of the Kingdom, may know more of these Particulars, by reason of your being upon the Place where these Debts, Goods and Estates have had their Existence, My good Lords, the Peers of this House, do recommend the Care of this Business unto your Lordships, to aid the Petitioners Agents in this kind, by all the Ways of Justice and Equity, to recover such Debts, Rents, and other Profits, as by Law and Justice remain due to Sir George Radcliff, for his Maintenance and Necessary Uses, until some further Act or Acts of Law and Justice shall otherwise direct and dispose of the said Premises. And so I bid your Lordships heartily Farewell.

To the Right Honorable, my very
good Lords Sir *W. Parsons*, and Sir
J. Borlase, his Majesties High Justi-
ces for the Kingdom of *Ireland*.

Your loving Friend,
E. Littleton, C. S.

The Request of the *Spanish* and *French* Ambassadors to have Liberty to entertain such of the disbanded Troops, both in *England* and *Ireland*, as they can agree with, was this day Debated in the House of Commons, upon which Occasion Sir *Benjamin Rudyard* made this following Speech.

August,
1641.

Mr. Speaker,

THIS is a business of great Consequence, and therefore requires a well advised Resolution. I will put *France* and *Spain* together, take them both before me, because the Reasons will serve the one and the other, as they stand in Relation to us.

Sir Benjamin Rudyard's Speech against suffering the Spaniards or French to have the disbanded Soldiers, Aug. 28. 1641.

We are, Mr. Speaker, so bounded by the nature of our Situation, as we are not so proper to extend our selves upon the firm Land of our Neighbours; Our Aptitude is rather to Ballance; which being rightly used, may make the King the great Arbiter of all the Affairs of *Christendom*, by assisting, withholding, or opposing.

Henry the Eighth is an example of this; He was sometimes of the side of the Emperor, other times of the *French* Party, according as he saw either sides of the Scales to weigh heavier or higher; some might think this to be inconstancy in him, but it was certainly out of a true and peculiar understanding his power.

King Henry gave upon this account, this Motto, *Cui ad-hareopraest.*

The present State of *Christendom* is apparent, That the House of *Austria* begins to diminish, as in *Spain*, so consequently in *Germany*. That the *French* do swell and enlarge themselves: if they grow and hold, they will be to us but *Spain* nearer hand.

Alliances do serve well to make up a present Breach, or mutually to strengthen those States, who have the same ends; but politick Bodies have no Natural affections, they are guided by particular interest, and beyond that are not to be trusted.

Although it may be good Policy to breed a *Militia* at the charge of other States abroad for our own use and occasions at home, yet that ought rather to be done amongst Friends of the same way; and so the Low-Countries have been an Academy to us.

His Majesty hath now an Ambassador Treating with the Emperor about the *Palatinate*. If we send away our Men, it will so damp and discountenance the affairs of the Prince Elector, as the World will believe, we never had, nor ever shall have any intentions to assist him at all.

I have observed for divers years, That *England* is not so well Peopled, but we do want Work-folks to bring in Harvest; our Disbanded Soldiers will least dislike that kind of Work, and if they be speedily Dissolved, that employment will entertain them for the present, and inure them to labour for hereafter.

Upon these considerations, Mr. Speaker, I cannot give my advice to add more strength to *France*, by weakning both our selves and our Friends.

As for sending the *Irish* into *Spain*, truly Sir, I have been long of Opinion, that it was never fit to suffer the *Irish* to be promiscuously made Soldiers abroad, because it may make them abler to trouble the State when they come Home. Their intelligence and practice with the Princes whom they shall serve, may prove dangerous to that Kingdom; They may more profitably be employed upon Husbandry, whereof that Kingdom hath great need.

Besides, it will be exceeding prejudicial to us, and to our Religion, if the *Spaniard* should prevail against the *Portuguez*.

It were better for us he should be broken into lesser Pieces, his Power shivered.

If the King of *Portugal* had desired these *Irish*, I should rather have given my Vote for him, then for the King of *Spain*, because it will keep the Ballance more even; *Spain* hath had too much of our Assistance and Connivence heretofore; I am sure it lost us the *Palatinate*. Now that it is come to our turn to advise, I hope we shall not do over other mens faults again.

August,
1641.

If the present Government of *Ireland* be not able to restrain their disordered People, there is a Noble Lord already designed to that Charge, who by his knowledge in Martial Affairs, and other his great Abilities, will be, no doubt, abundantly capable to reduce them to a due obedience.

Wherefore, Mr. Speaker, upon the whole matter, My Opinion is, that we should not be forward to spend our Men, but rather to preserve and husband them for our own use and employments, for our Friends, for our Religion.

Whether the Close of this Speech did not cast an Ominous Aspect upon the succeeding Actions of this Parliament, what ever the *Speaker* meant, let the Reader judge. However, there is no doubt but this Prohibiting the *Irish* Army to pass into the Service of the King of *Spain*, had a most direful Influence upon all the following Miseries which befell these Kingdoms.

After which the House came to these Votes:

Resolved upon the Question, *That this House holds it not fit nor gives Assent, that there should be any levies of Men, in Ireland, for the service of the King of Spain.*

Resolved, &c. *That this House thinks it not fit nor gives Assent, that there should be any levies of Men in any of his Majesties Dominions for the French King's Service.*

Conference about Soldiers for Foreign Ambassadors.

Upon this a Conference was desired with the Lords which was to this Effect. *That the Spanish Ambassador formerly did move the King, that he might have leave to Levy and Transport four Regiments of Soldiers in Ireland, for the Service of the King of Spain; his Majesty was pleased to declare that he would do nothing herein, without the Advice of both Houses of Parliament; and since they understand his Majesty hath been informed that the Parliament did Assent to the Levying and Transporting of the said Soldiers; to the end that it may appear that the House of Commons are far from giving their Assent therein, they have resolved and declared that they hold it not fit, nor give Assent that there be any Levies of Men in Ireland for the Service of the King of Spain, and hold it fit that there be a suddain stop made of the Ships, contracted for, by the Spanish Ambassador, for the Transporting of the Soldiers out of Ireland; And further, they hold it not fit nor give Assent, that there should be any Levies of Men for the French King's Service, within any of his Majesties Dominions, for that they know not what Use this Kingdom may have of Men.*

Upon which the Lords having debated the Matter, passed the same Votes with the Commons, and further Ordered Sir *John Pennington* should stay all the Ships in the *Downes*, which were hired by the *Spanish* Ambassador to transport these Men, as also to stop such Ships as were riding in the River of *Thames*, till the further pleasure of the House be known.

An Order was also sent to the Lord *Newport* Constable of the Tower, to tender the Protestation to all such Persons, as he takes into the Tower for the Guard and Defence of it, and if any of them refuse, not to admit them to be of the Guard.

Monday,

August 30.

A further Order was this Day pass'd both Houses, concerning the Thanksgiving for the Pacification, the *Scots* it seems being not content after having invaded *England* in a Hostile manner, put the Nation to above a Million of Money, through the Interest they had in the *Presbyterian* Faction, to purchase a Peace, even upon their own Conditions, unless they might be publickly declared Loyal and Faithful Subjects, to such

such hard Terms did the Obstinate Faction drive his Majesty, even while they made him all the Protestations of Humility, Duty, Loyalty and Allegiance, which certainly to a great Monarch, who by Proclamation had justly stiled them Rebels, and had lead an Army against them, was a severe Request, not to call it an Imposition; and which none but Presbyterians, or their Off-Spring would have attempted: but such was the Fury and Violence of the Current, that there was no stopping or stemming of it, and his Majesty found himself under such hard Circumstances and Difficulties, that he was even compelled to yield to this most extravagant Request. See here the Order.

August;
1641.

WHereas according to the Act of this present Parliament for Confirmation of the Treaty of Pacification, between the Kingdoms of England and Scotland, it was desired by the Commissioners of Scotland, that the Loyalty and Faithfulness of his Majesties Subjects might be made known at the time of the Publick Thanksgiving in all Places, and particularly in all Parish Churches of his Majesties Dominions: which Request was graciously condescended unto by his Majesty, and confirmed by the aforesaid Act. It is now Ordered and Comanded by both Houses of Parliament, that the same be effectually done in all Parish Churches throughout this Kingdom upon Tuesday the 7th day of September next coming, at the time of Publick Thanksgiving, by the severall and respective Ministers of each Parish Church, or by their Curates, who are hereby required to read this present Order in the Church.

An Order to declare the Scots who invaded England, faithful and Loyal Subjects in all Churches and Chappels upon the Thanksgiving Day.

Thus did they resolve not only to conquer, but to triumph, and this was also to be a little kind of Shibboleth for the Clergy, for who ever did either speak any thing against the Scots, or declined this Declaration of their Loyalty and Fidelity to the King; which it was very difficult for Men of sense to believe, and therefore more hard for Men of Conscience to declare, were certain to be esteemed Malignants, and upon the least Complaint were sure to be sent for in the Custody, as Delinquents.

It was also Ordered, That Mr. Marshal and Dr. Burges be desired to Preach before the House of Commons, upon the Thanks-Giving Day, at St. Margarets Church in Westminster.

A Petition was presented to the House by severall Merchants about the Town, consisting principally of three Heads.

(1) That there might be a certain number of Ships, well appointed and stored with Ammunition and Provision, for such a Service to be sent to America, and some Part to Affrica, whereby we might possess our Selves with the Riches of those Countries.

(2) That the Spanish Party is now grown weak, which may induce us with greater alacrity to attempt it.

(3) That we may thereby become possessed of the Command of both the North and South Seas, which will both increase Commerce, Shipping, Sea-Men and Trade at Home, and render us Formidable and Powerful Abroad.

The Lord Keeper signified to the House, that he had received a Letter from the King at Edensburgh, by Mr. Anthony Nichols, who was the Express sent from both Houses, to His Majesty in Scotland. The Letter was read in hæc verba.

Marshal and Burges to preach before the Commons upon the Thanksgiving Day. A Petition of some Merchants to seize some Parts of America.

August.
1641.

The King's
Letter to the
L. Keeper a-
bout the Com-
mission to the
Committees
of both
Houses.

Right Trusty and well Beloved, We greet you well. Whereas We have understood by the Petition of both Houses of Our Parliament in England, (which Anthony Nichols Esquire hath been employed to Us from them) that they are resolved to send down, certain of their Members for to see the Ratification of the Treaty of Pacification, by the Parliament here, and to that end, have desired a Commission under Our Great Seal, We do not hold necessary to sign any such Commission, but are hereby graciously pleased to give leave to the said Members, to come and attend Us here in Scotland, to see the Ratification of the said Treaty, and what else belongs thereunto, and this We require you to signifie unto both Houses from Us.

Given under Our Signet, at Our Court of *Edenburgh*, and the 25th Day of *August* in the 17 Year of Our Reign.

Such was the Ungovernable Insolence of the Rabble of those, who called themselves the Well-Affected Party, by their having been indulged, because not severely Punished in the Case of the Earl of *Strafford*, that upon every Occasion, like a Fire ill quenched, they broke out into Disorder and Outrages, which was the Occasion of this following Order of the Lords.

An Order of
the Lords a-
bout the Tu-
mults, con-
cerning the
*French Am-
bassador*, Aug.
30. 1641.

UPon Information this Day to this House, that the *French Ambassador* and his Servants, hath been lately Assaulted in his own House, by a Company of Rude and Insolent People, unto the great Dishonor of Our Nation, and to his Lordships insufferable Wrong, Injury and Dishonor, whereof this House is very sensible, and do intend that all possible Diligence be used, for the finding out of the Malefactors for the Punishment of them, to the Example and Terror of others, that none may presume hereafter to commit the like Outrages to any Ambassadors, of whom this House will always take regard, It is therefore thought fit and Ordered by this House, That Mr. *Hooker*, Mr. *Long*, Mr. *Whittacre* and Mr. *Shepheard* his Majesties Justices of the Peace, or any two or more of them, shall speedily take this Business into their Examination, and by all Dilligence that may be used, find out the said Malefactors, and to Imprison them, until they find out Sureties for their good Behavior, and to appear in this House on *Monday* the 6th of *September* 1641. to undergo such Punishment, as their Lordships shall think fit to inflict upon them, for their said Offences, and Misdemeanors so committed as aforesaid. And that the said Justices of the Peace, having thoroughly examined the Business, shall make Certificate unto this House, on the said sixth day of *September* next of all the whole Matter, and how they find it, that thereby their Lordships may proceed therein according to that which shall be Just. And lastly, That the aforesaid Justices, shall give Order, That there shall be Watch set according to Law, for the better securing the Safety of the Ambassador, and his House, and for preventing Disorderly and Tumultuous Assemblies.

Ordered, That the Lord Great Chamberlain, Lord Chamberlain, Earl Warwick, Lord Kymbolton, do acquaint the French Ambassador from this House, that their Lordships have taken this Business into Consideration.

The House of Commons also took the Case of Sir John Corbet into debate, whe for saying at a Quarter Sessions in the County of *Salop*,
That

That the Muster Masters Wages throughout England were illegal, and against the Petition of Right, &c. had been Imprisoned and Fined by the High Commission Court, and it was Ordered, That the late Lord Keeper Coventry, the Archbishop of Canterbury and others, who were the Occasions of it, shall make him Reparations for his Sufferings and Damages, and a Conference was desired with the Lords upon it, where the Managers of the Commons delivered to their Lordships, a Transmission of an Impeachment, concerning the Cause of Sir John Corbet a Member of the House of Commons, against the Earl of Bridgwater, the Lord Privy Seal, the Archbishop of Canterbury, the Lord Cottington, the Lord Newburgh, and the two Secretaries of State, in which the House of Commons desire that the several Persons whom it concerns, may be called to answer, and that their Lordships would proceed therein according to Justice, and that Sir John Corbet may have Reparation for his Imprisonment, &c.

Next the Bishop of *Lincoln* reported, that at the same Conference Mr. *Nichols* that was sent into Scotland, to his Majesty from both Houses reported, That he had delivered the Petition and the Draught of the Commission to his Majesty, but his Majesty thought not fit to sign it for these Reasons, which he commanded him to signify to the Parliament.

(1) That his Majesty conceives the Treaty of Pacification, between the two Kingdoms, is already ratified by the Parliament of Scotland.

(2) If this Commission should be granted, it would beget new Matter.

(3) It would be a means to keep his Majesty longer there then he intended to stay.

(4) That the Scots Army is over the Tweed, and that the Lord General hath almost Disbanded all Our Army, and hath begun with the Horse.

A Letter from the Lord General was read declaring, That he will pursue the Orders of Parliament in disbanding the Army; but he understands that the Scots will keep 5000 Men undisbanded, until our Army be all disbanded, and our Fortifications at Barwick and Carlisle slighted; and that to this purpose, he had received Directions from his Majesty to demolish the Fortifications, and remove the Ordnance and Munition from thence.

The Bishop of *Lincoln* Reported the Conference with the Commons concerning Disarming Recusants, to this Effect;

That the House of Commons had taken into consideration the Store of Arms in this Kingdom, and they find, that there are many Arms in the hands of Popish Recusants; for disarming of whom, the House of Commons have frequently recommended to this House the disarming of them according to the Stat. of 3 Jac. but they have found, that the good came not by this Statute as was intended, for upon Indictments for Recusancy, there were *Certioraris*'s granted.

Therefore the House of Commons have taken these things into consideration again, and the rather, because of the Kings absence at this time in Scotland, and that the time of the Recess draws nigh; and considering the late Troubles of this Kingdom, which are not yet settled, the House of Commons have considered of an Ordinance of Parliament, and some Instructions to be given unto such Commissioners as they have named, to see to the disarming of Popish Recusants according to the Statute of 3 *Jacobi*; which Ordinance and Instruction they present to their Lordships, desiring them to joyn with them herein.

August,
1641.

The King's Reasons for not signing the Commission sent into Scotland by Mr. *Nichols* from both Houses.

Contents of a Letter from the Lord General.

The Conference about disarming, Recusants. Aug. 30. 1641.

Then

August,
1641.

The Ordinance
of Parliament
for Disarming
Recusants.

Then the aforesaid Ordinance and Instructions were read *in hæc verba.*

An Ordinance made and agreed by the Lords and Commons in Parliament for the speedy disarming of Popish Recusants and other dangerous Persons.

WHEREAS, for the preventing and avoiding of dangers that might grow by Popish Recusants, Provision hath been heretofore made by Act of Parliament, for the disarming of all Popish Recusants convicted, within this Realm; which said Law hath not taken so good effect as was intended, by Reason such Recusants, and Persons Popishly affected, have by subtle practices and indirect means kept themselves from being convicted, or being outwardly conformable, have caused or suffered their Children, Grand-children and Servants to be bred up and maintained up in the Popish Religion, and have otherways hindred the due Execution of the said Law, to the great danger and grievance of the Commonwealth: And for that it is too manifest, that the said Popish Recusants have always had, and still have and do practise most dangerous and pernicious designs against the Church and State; and by the Laws of this Realm, in times of imminent danger, or of any forcible Attempts, Designs or Practises against the Peace and Safety thereof, all Armor, Weapons, and other Provisions, that may tend or be employed to the effecting of such mischievous Designs, ought timely to be removed and taken away, and all fit means used for the securing of the Peace and safety of the Realm.

And for the preventing of such further mischiefs as may happen by any Outrage or Violence to be offered; It is therefore Ordained and Provided by the Lords and Commons in this present Parliament Assembled, That all such Arms, Gun-powder and Munition of what kind soever, as any Popish Recusant convicted, or any Person or other which is or shall be Indicted for such Recusancy, and such Indictments, either are or shall be removed by *Certiorari*; or being not removed, shall not by Appearance and Traverse or otherwise be Legally discharged before this Ordinance be put in execution, or which shall not have repaired to Church more then once in every Month, or shall not have received the Holy Communion according to the Rites of the Church of *England*, within one whole year, next before the making hereof, and which shall refuse to take the Oaths of Supremacy or Allegiance upon Lawful Tender thereof made, or whose Children, or Grand-children, or any of them being at his or her dispose, or living in the House with them, is or shall be bred up in the Popish Religion, or have not repaired to Church within one year next before the making of this Ordinance, according to the Laws and Statutes of this Realm, or whose Household Servants, or any two or more of them is or shall be of the Popish Religion, hath or shall have in his and their House or Houses or elsewhere, or in the hands and possession of any other, to his or their use, or at his or their disposition, other then such necessary Weapons as shall be thought fit by the Persons Authorized to take and Seize the said Munition, to remain and be allowed Arms & for the defence of the Person or House of such Recusant or Person aforesaid, shall forthwith be taken from every such Popish Recusant or Person as aforesaid, and from all others which shall have the same to the use of any such Popish Recusant or Person, by such Person and Persons as are and shall be by this Ordinance appointed and authorized in that behalf for every Shire, County, and Riding within this Realm and Dominion of *Wales*; that is to say,

For the County of *Bedford*, Sir Oliver Luke, Sir Beuchamp St. John, Sir Roger Burgoigne Knight.

For the County of *Lancaster*, John Moor, Alexander Rigby Esquire, Members of the House of Commons, and the two Knights that Serve for that County.

For *Cheshire*, Sir William Brereton Baronet, Peter Vennables, Esquire.

For the City of *Chester*, Francis Gamull Esquire, the Major for the time being.

For the County of *Stafford*, Sir Edward Littleton and Sir Richard Levison.

For

August,
1641.

For the County of *Derby*, Sir *John Curson*, *William Allestre* Esquire.
For the County of *Nottingham*, Sir *Thomas Hutchinson*, *Robert Sutton* Esquire.

For the Town and County of *Nottingham*, Sir *Thomas Hutchinson*, *Robert Sutton* Esquire, and the Major for the time being.

For the County of *Lincoln*, *Thomas Hatcher*, *Thomas Grantham* and *John Broxholm*, Esquires.

For the City and County of the City of *Lincoln*, the Major for the time being, and *Thomas Grantham* Esquire.

For the West Riding of the County of *York*, *Ferdinando Lord Fairfax*, Sir *Edward Roads*, Sir *William Strickland*, *Henry Cholmley* Esquire.

For the East Riding, Sir *Marmaduke Langdale*, *John Allured* Esquire.

For the North Riding, *Thomas Hebblethwait* Esquire, Sir *Henry Anderson*, Sir *Henry Slingsby*, *John Wastell* Esquire.

For the City and County of the City of *York*, the Lord Major for the time being, Sir *Thomas Widdrington*, and Sir *William Allison*.

For the County of *Sussex*, Sir *Thomas Pellham*, Mr. *Shelley*, Mr. *William Hay*.

For the Ports in *Sussex*, *William Hay*, *Herbert Morley* Esquire.

For the County of *Bucks*, Sir *William Andrews* Baronet, Sir *Alexander Denton* Knight, Sir *John Parsons*.

For the County of *Berks*, Sir *George Stonehouse*, Sir *John Bacchus*, *Roger Knight* Esquire.

For the County of *Cornwal*, Sir *Richard Carey* Baronet, *Alexander Carey* Esquire, Sir *Richard Butler* Knight.

For the County of *Cumberland*, *Richard Barwick* Esquire, *William Pennington* of *Seaton* Esquire.

For the County of *Cambridge*, Sir *Dudley North*, Sir *John Cutts*, *Thomas Chichely*, *Thomas Wendy* and *Thomas Symonds*, Esquires.

For the County of *Devon*, Sir *Samuel Rolle*, Sir *John Bramfield* Baronet.

For the City of *Exceter* the Major for the time being.

For the County of *Dorset*, Sir *Walter Erle*, Sir *Thomas Trenchard* Knights.

For the County of *Essex*, Sir *Harbottle Grimston*, Sir *Richard Everard*, Sir *Thomas Bendish*, Sir *Robert Kemp*.

For the County of *Gloucester*, *Henry Bret* Esquire, Sir *Robert Cook*, *Edward Stevens*, *Thomas Hodges*, Esquires.

For the City and County of the City of *Gloucester*, the Major for the time being and the two Ancient Aldermen.

For the County of *Huntingdon*, Sir *Sydney Mountague*, *Anslow Winch* Esquire, *Tirel Josseline* Esquire, *Henry Cromwel* Esquire.

For the County of *Hertford*, *Edward Chester*, *Edward Wingate*, Esquires, *John Butler*.

For the County of *Hereford*, *Walter Kerle* Esquire, Sir *William Crofts* Knight, *John Scudamore* of *Kenchurch*, *James Kirle*, *Edward Broughton*, Esquires.

For the County of *Kent*, Mr. *Edward Boyes*, Sir *Thomas Walsingham*, Sir *Edward Partridge*, Knights, *Richard Lee* Esquire.

For the City and County of the City of *Canterbury*, Sir *Edward Masters* Knight, and for the Ports in *Kent* and their Members, Sir *Edward Boys* Knight.

For the County of *Leicester*, Sir *Arthur Hasterigg*, *Thomas Lord Grey*.

For the County of *Middlesex*, Sir *John Danvers*, Sir *William Roberts*, Sir *Henry Roe*, Sir *Gilbert Gerrard*, Sir *John Franklyn*.

For the City of *Westminster*, Sir *Robert Pye*, *William Wheeler*, *John Glyn* Esquires.

For the City of *London*, the Lord Major, *Thomas Soame*, *Isaak Pennington*, Aldermen, *Samuel Vassal* and Captain *John Ven*, Merchants, Members of the House of Commons.

For the County of *Northampton*, *Edward Montague* Esquire, Sir *John Dryden*, Sir *Christopher Yelverton*, *Zouch Tate* Esquire.

For the County of *Norfolk*, Sir *John Potts*, Sir *Thomas Woodhouse*, Sir *Edmond Moundeford*.

For

August,
1641.

For the City and County of *Norwich*, the Major for the time being.
For the County of *Northumberland*, Sir John Fennicke, Henry Ogle, Thomas Middleton, William Shafto of Babington, Esquires. Town of *New-Castle*, the Major for the time being, Mr. Ledyard.

For the Town of *Barwick*, Sir Robert Jackson, Mr. John Sleigh Gent. William Fenwick Gent.

For the County of *Oxon*. James Fynes, Sir William Cobb, Sir Thomas Penniston and John Doyley Esquire.

For the County of *Rutland*, Sir Guy Palmes, Sir Edward Harrington, Robert Horseman Esquire.

For the County of *Surrey*, Sir John Evelyn, Sir Ambrose Brown Baronet.

For the County of *Salop*, Sir Richard Newport, Mr. Richard Moore, Charles Baldwin Esquire.

For the County of *Southampton*, Richard Whitehead Esquire, Sir William Lewis. Town of *Southampton*, Major for the time being.

For the County of *Suffolk*, Sir Roger North, Sir Robert Crane, Robert Reynolds, Esquire, Sir William Platers, William Cage Esquire.

For the County of *Somerset*, Sir John Horner, Sir John Pawlet, Knights, John Pyne Esquire. City of *Bristol*, the Major for the time being, John Gunning, John Tomlinson.

For the County of *Westmorland*, Sir Philip Musgrave Knight and Baronet, Sir Henry Bellingham, Gawin Braithwait Esquire.

For the County of *Wilts*, Sir Nevil Poole, Anthony Hungerford, Esquire.

For the County of *Worcester*, Humphrey Solloway Esquire, Edward Dingley, Edward Pitt, Thomas Rouse Esquire. City of *Worcester*, the Major for the time being.

For the County of *Warwick*, Sir Richard Skeffington, William Combes Esquire, John Hales, Richard Shugborough, Esquires. For the City and County of *Coven-try*, the Major for the time being, Alderman Million, John Barr Esquire.

For the City of *Litchfield*, the Bailiffs for the time being.

For the County of *Anglesey*, Thomas Buckley, Owen Wood, Esquires.

For the County of *Pembroke*, Henry Williams, Thomas Gwyn, William Morgan, Esquires.

For the County of *Carnarvan*, Thomas Glyn of Nantley, William Thomas, Owen Wynn, Thomas Madrin, Esquires.

For the County of *Denbigh*, Thomas Middleton, John Loyd, William Wyn Esquire.

For the County of *Flynt*, Thomas Mostyn, Humphry Dymock, John Eaton, John Salisbury, Esquires.

For the County of *Glamorgan*, William Herbert, Sir Thomas Lyne, Miles But-
on, Esquires.

For the County of *Merioneth*, William Salisbury Esquire, Sir James Price Knight.

For the County of *Pembrook*, Sir Richard Philips Baronet, Sir Hugh Owen Knight and Baronet.

For the County of *Montgomery*, Arthur Price Esquire, Richard Griffith, Ed-
ward Vaughan, Esquires.

For the County of *Radnor*, Thomas Lewis, Robert Williams, Richard Jones, Es-
quires.

For the County Palatine of *Durham*, Sir Lionel Madidson, Sir Alexander Hall,
George Lilburn, Clement Fulthorp.

For the County of *Cardigan*, Walter Loyd, James Lewis, Esquires

For the County of *Carmarthen*, Richard Earl of Carberry, Francis Loyd Es-
quire.

For the County of *Monmouth*, Sir William Morgan, Thomas Morgan, William Herbert of Colebrook, William Baker of Abergany, Sir Robert Cooke, Sir Charles Williams, James Kirke, Esquires.

Which said Persons so appointed and nominated, or any one or more of
them, together with the Justices of the Peace of every Shire, County or Ri-
ding respectively, or any one or more of them, or the Major, Bailiffs Justices of
the

the Peace, Jurats or other Head-Officers within any City or Town Corporate or other Priviledged places, or any one or more of them respectively shall have Power, and are hereby authorized and required to do and perform all and every such thing and things as shall be necessary to the due execution of this present Ordinance, according to the Instructions herewith annexed, which said Instructions are hereby Ordered and Comanded to be duly observed and executed by all and every Person and Persons, whom it shall or may appertain, as they will answer the contrary at their Perils, This Ordinance to continue no longer then till the end of this present Session of Parliament.

August,

1641

Instructions appointed by Ordinance of Parliament to the Persons thereby Authorized for the Disarming of Popish Recusants, and other dangerous Persons.

Instructions to the Commissioners for Disarming Popish Recusants and others.

I.

Such Members of the House of Commons and other Persons as in and by the said Ordinance are particularly named and appointed, or any one or more of them, and the Justices of the Peace of each severall County, Shire or Riding within *England* or *Wales*, and also the Majors, Bailiffs, Justices of the Peace, Jurats or other Head-Officers of or within any Town Corporate or Priviledged place respectively, or any one or more of them, together with some or one of the Persons nominated in the said Ordinance, are to see the same forthwith put in Execution, and shall have power to call the High Sheriff of every County and his Ministers, all Constables and Tithing men, and other Officers or any of them, when and as oft as they shall think fit, to be aiding and assisting to them from time to time within their severall Limits, and Jurisdictions, in the due performance of this Service, and to do and execute all and every such thing or things as shall be requisite and necessary in that behalf, and the said Members of the said House of Commons are respectively required to see the said Ordinance forthwith put in execution.

II.

The said Persons Authorized are to inform themselves by all convenient means and ways of all such Arms, Gun-powder, and Munition of what kind soever, as any Popish Recusants convict or other Persons whatsoever, either of the Nobility or others, which is or shall be Indicted for Popish Recusants, and such Indictments either removed by *Certiorari* or being not removed shall not by appearance and Traverse, or otherwise be Legally discharged, or which shall not have repaired to Church more then once in every month, or shall not have received the Holy Communion according to the Rites of the Church of *England* within one whole year next before the making of the said Ordinance, or which shall refuse to take the Oaths of Supremacy or Allegiance upon lawful tender thereof made, or whose Children or Grand-children or any of them being at their dispose, or in the House with them, are bred up in the Popish Religion, or have not repaired to Church within one whole year next before the making of the said Ordinance according to the Laws and Statutes of the Realm, or whose Household Servants or any numbers of them, are of the Popish Religion, hath or have in his or her House or Houses or elsewhere, or in the Hands and Possession of any other to his or her use, or at his or her disposition, and are to search all such places where any such Arms, Gun-powder or Munition of any such Popish Recusant or other Person whose Arms by the said Ordinance is to be taken away, is placed or deposited, or supposed to be placed or deposited.

III.

They are to take and Seize all such Arms, Gunpowder and Munition as aforeaid, in whose hands or Custody, or in what place the same shall be, other then such Weapons as shall be by the said Persons so Authorized, thought fit to remain and be allowed to the said Recusants or other Popish Persons as afore-

P p p

said,

August,
1641.

said, for the defence of his or her Person or Houses, and shall cause the same to be placed in some City or Town Corporate, or other convenient Town of the same County, and there safely kept at the costs and charges of the owners thereof, and the Armorer to be admitted to dress and amend the same so oft as need shall require.

I V.

And if any such Popish Recusants or other Persons as aforesaid, or any other Person or Persons, which have or hath, or shall have any such Arms, Gun-powder or Munition in his or their hands or Possession to the use of such Recusant or other Person as aforesaid, or by his, her, or their appointment, shall conceal the said Arms, Gunpowder and Munition or any part thereof, or shall refuse to discover the same to the said Persons so Authorized, or otherwise wilfully oppose, hinder or disobey the said Persons Authorized, or any of them in the execution of the said Ordinance, that then every such Popish Recusant, and other Person so offending shall be held a contemptuous Person, and be liable to such further punishment as by the Parliament upon certificate thereof made shall be thought fit, and the Persons Authorized are to certify their names accordingly: They are also to make Certificates to the Parliament of all such Arms, Gunpowder and Ammunition, as they shall take or seize by force and vertue of the said Ordinance, as also the Person and Persons whose the same were, and from whom they were so taken, and in what places the same are found or taken, and where, and in what City, Town or Place, and in whose custody the same shall be left or deposited, and what Order they shall take concerning the same, and shall likewise certify what Arms and Munition they shall leave to such Recusants or Persons as aforesaid for the defence of his or her Person or House.

V.

They are to inquire what Popish Recusants have lately had any Arms or Munition taken away, by whom, and by what means, and where, and in whose hands the same remain, and to take care that the same be safely placed and kept in such manner as aforesaid, and to make Certificates thereof to the Parliament.

V I.

To take care that the said Arms and Munition so to be Seized, and taken away by force of the said Ordinance may so be placed and disposed of, as there may not be too great a quantity thereof at the same time in one and the same City, Town or Place, but that it may be distributed and placed in several Towns and Places in such manner and proportion as shall be most convenient for the use and safety of the Kingdom.

Tuesday,
August 31.

After which it was Ordered, *That this House agrees and Concurs with the House of Commons in the whole Ordinance and Instructions.*

The foresaid Ordinance and Instructions were appointed to be delivered privately to the House of Commons to be Ingrossed.

Exceptions taken by the Commons for the Lords sending a Message by one Person only.

A Message was sent by the Lords by Dr. Bennet, for a Conference, to let them know, the Lords desired the Ordinance for disarming Recusants might be Ingrossed, but the House taking notice of it, that the Message came by a single Person, the Commons took Exceptions at it, and Mr. Hollis was sent to signify so much, and to let them know that for this time they were willing to pass it over, only desiring it might not be drawn into President hereafter, as also to desire that the Ordinance signed by the Speakers of both Houses, might be printed and published throughout the Kingdom, which was done accordingly.

And the Lords by another Message signified to the Commons, that the Reason why they sent but one Messenger was, because they had no more Assistants then present.

A Vote was also passed for removing the Communion Table.

Resolved upon the Question, *That this House holds it fit, that the Church-Wardens of every Parish Church or Chappel do forthwith remove the Communion Table, from the East end of the Church, Chappel or Chancel; where they stand Altarwise, and place them in some convenient place of the Church or Chancel, and to take away the Rails, and level the Chain-cels as heretofore they were, before the late Innovations.*

These high Pretences against Innovations, Popery and Superstition were the Witchcrafts, with which they insensibly drew on the undiscerning People into the most desperate and horrid Sin of Rebellion; and amongst the rest of these frightful Crimes, with which they blackened the Archbishop and the Clergy, this horrible Sin of Innovation was one of the most terrible; when the truth is, this was so false and far from being an Innovation, that whoever has travelled into the Early Regions of Antiquity, will both find the Name and Thing of Alter, very frequent among the Ecclesiastical Writers, and the Holy Fathers of those Ages, and that ever since Christianity came from under the Rod of Persecution, and that Temples were erected for the Publick Worship of Almighty God, they were built after the same Manner and Form with our Churches; and the Holy Table was placed at the East end of them, and the endeavor of the Archbishop and Regular Clergy to bring in this Piece of Uniformity into the Church of England, was so far from being a Novelty or Innovation, that the Design of it was to reduce them to this Primitive Custom and Usage of the Primitive Christians, so Ancient and Primitive, that Nicephorus and Socrates in the Ecclesiastical History make mention of two Altars placed in the West end of two Churches, which was then accounted a strange Innovation, and directly contrary to the constant Custom of the Church.

The House being now shortly to be Adjourned for some time, by Reason the Plague begun to encrease, several Persons Petitioned the Commons to be admitted to Bail, upon which

It was Ordered, *That Alderman Abel, Mr. Kilvert, Thomas Powlet, Charles Cotton, Edward Watkins, Lewis Kirk shall be Bailed, the Principals at 1000l. and the Sureties each 500l. Bail.*

Ferris also who was in Custody for Breach of Priviledg, for Arresting a Servant of one of the Members, and the Post-Master of Ware, who was committed to the Serjeant at the complaint of Mr. Rushworth, about Post-Horses, were Ordered to be Bailed upon reasonable Bail.

The House also fell upon the Church-work again, which was to be Swept with their beesom of Reformation, by abolishing Order, Decency and Government, as Superstition and Innovation; to this purpose it was moved that they might consider of what alterations and additions were to be made in the Book of Common-Prayer; whereupon Sir John Culpeper stood up and moved, that the Book of Common-Prayer might be continued and remain without alteration or addition, and that it might be observed and used with all due Reverence throughout the Kingdom. Upon which the Question being put whether they should proceed to the farther consideration of this matter, the House was divided upon it with the Yeas were 55, with the Noes 60, so it was for the present laid by.

This was always one great Artifice of the Party, That when there was a thin House and any thing was moved which they perceived they

Septem.

I 64 I.

Vote for Removing the Communion Table.

Wednesday, Septem. 1

Diverse Persons Bailed.

Debate about Religion.

Septem.

I 6 4 I.

should not be able to Carry, to get it put off, till either the contrary Party being tired with long Sitting, were gone out of the House, or that they found their own Party strong enough to carry the Vote. And this the Reader shall find verified in a few days, and that they not only proceeded to Vote, but Authoritatively to Enact this their pretended Abolition of Innovations, without the consent of either the King or House of Lords.

The House being very thin, many of the Members being gone into the Country by reason of the spreading of the Contagion, It was Ordered, *That lest the House should fall for want of Forty of the Members to be present at the Adjournment, that there should at least Sixty meet the next Week to agree about the Recess, upon which the House was Adjourned till Monday next.*

Upon hearing the matter concerning the affront put upon the *French Ambassador*, It was this day Ordered by the Lords as follows.

The Order about those who assaulted the French Ambassadors House.

W Hereas it appears by the Certificate of the Justices of Peace and by Proof of Witnesses Viva voce this Day at the Barr, upon full Examination of the business, That Christopher Cook, John Symons, Richard Clarke, John Bird, Gyles Philips and Roger Gardner, were principal Actors in committing of the great Outrage and Assault upon the French Ambassadors House in Lincolns Inn Fields, as flinging of Stones and Assaulting the said House, to the great molestation and dishonor of the said Ambassador, which this House is very tender of: It is Ordered, that the Delinquents aforesaid, shall forthwith stand committed to New Bride-well, there to remain, until their Masters or some others shall be Sureties for their Good Behaviour, and that they appear at the next Sessions for Middlesex; furthermore, that the aforesaid Offenders shall stand on Pillories on Wednesday next in the morning for an hours space before the said Ambassadors House, without being Vailed, and shall publicly ask forgiveness upon their Knees of the Ambassador; after which they shall be whipped before the said Ambassadors Door, and along the Fields and Streets thereabout. And Lastly, it is Ordered, that Mr. Long, Mr. Sheppard, Mr. Whittaker and Mr. Hooker Justices of the Peace, together with the Sheriff of Middlesex, who is to put this Order in Execution, shall take special Care, that there be a sufficient Guard about the Ambassadors House to prevent such Tumults, that so the Peace may be kept during the time of the Execution of this Order.

The Ambassador being acquainted with this Order, did by the Lord Chamberlain return his humble Thanks to the House for the same, but desired, *That the Execution of it might be spared*; Whereupon it was Ordered, *That the Whipping be spared, and that it be signified to the Offenders, that it is remitted at the request of the said Ambassador.* And afterwards upon his request, the Sentence was wholly remitted, they asking him Pardon upon their Knees, and they were released from their Imprisonment.

Monday,
Septem. 6.

The Bishop of *Lincoln* who had formerly been so great a Favourite of the Commons, yet was a Bishop still, and therefore upon any little false step contrary to their Sense, more liable than another person to fall under their displeasure; which happened to be upon this Occasion: The Commons, it seems, had a great mind to try the *Extempore* Talent of *Marshal* and *Burgeß*, being men of Renown in that way of treating God Almighty and their Auditors with Prayers that were not tied to any Set Form

Form, whereby the Spirit was stinted, and the Candle of mens Parts put under a bushel, as the phrase of the Times went.

Now my Lord of *Lincoln* had, it seems, compiled a set Office, as had been Usual upon the like Occasions, for the Service of the Day of Thanksgiving; at this the Commons took great distast, and upon Monday at their first meeting they fell upon this Debate, the Result of which was, *That this House doth declare, That the Bishop of Lincoln had no Power to set forth any Prayer to be read at the Publick Thanksgiving, and that no Minister ought to be ingaged to read the said Prayer; and therefore the House is of Opinion, and doth so Order, That the said Prayer be not read in the Liberties of Westminster or elsewhere; and that the Prayer be taken into Consideration upon Wednesday next, and that a Conference be desired with the Lords thereupon.*

At a Conference with the Lords several Letters were read, one from the King about four thousand *Irish* for the King of *Spain*, a complaint being made to His Majesty by the *Spanish* Ambassador of the stopping of Ships, which he had contracted with for their Transportation. The Lord *Newport* acquainted the Commons, That a Corporal of his Troop lately come out of the North, was spoken unto from the *Spanish* Ambassador to conduct Horsemen to *Plymouth*, and to have about three pound a man for it; and it was very highly resented, that the *Spanish* Ambassador should take upon him to levy Men here in *England* without consent of Parliament.

Whereupon it was Ordered, *That there shall be a stop at all the Ports in England, to prohibit all Transportation of Horse or Foot out of the King's Dominions; and that Sir John Culpeper and Mr. Waller shall forthwith repair to the Spanish and French Ambassadors, to know by what Authority they Treat with Officers concerning the Levies of any Men, Horse or Foot.*

To this, upon their return, they gave the House an account, *That the Spanish Ambassador answered Negatively, that he did not Treat with any whatsoever, but that a Colonel had offered his Service, but till he had His Majesties consent he refused to Treat with him: That by His Majesties promises he thought himself in Possession of the Irish Soldiers, and if they were taken from him, he thought they took from him that which was his own.*

It was thereupon further Ordered, *That no Merchants Transport any Soldiers out of any of His Majesties Dominions, and no Ships to be cleared till they have given Security that they will not.*

It was twice this day put to the Vote, Whether Colonel *Ashburnham* and Captain *Pollard* should have their pay, and the House was thereupon divided, with the *Noes* were 49, with the *Yeas* 41. But the Friends of these Gentlemen taking the opportunity of the absence of some of those who had Voted against them, moved the thing a second time, and upon the Debate of the House they were again divided, with the *Yeas* were 29, with the *Noes* 23, so it was carried in the Affirmative.

It was also Ordered, *That it shall be lawful for the Parishioners of any Parish in the Kingdom of England, or Dominion of Wales, to set up a Lecture, and to maintain an Orthodox Minister at their own Charge, to Preach every Lord's day where there is no Preaching, and to Preach one day in every week, where there is no weekly Lecture.*

Thus

Septemb.
1641.

The Commons
offended with
the Bishop of
Lincoln, for making a Form
of Prayer for
the Thanksgiv-
ing Day.

Conference
with the Lords
about the *Spanish*
Ambassador's Trans-
porting Sol-
diers.

The same Que-
stion put twice
in the House
whether Col.
Ashburnham &
Capt. *Pollard*
should have
their pay.

Order about
Lecturers.

Septemb.

I 6 4 I.

Thus did they set up a Spiritual Militia of these Lecturers, who were to Muster their Troops; and however it only appeared a Religious and Pious Design, yet it must go for one of their *piæ fraudes*, Politick Arts, to gain an Estimate of their Numbers, and the strength of their Party. These Lecturers were neither Parsons, Vicars nor Curates, but like the Order of the Friars Predicants among the Papists, who run about tickling the Peoples Ears with stories of Legends and Miracles, in the mean time picking their Pockets, which were the very Faculties of these Men; for they were all the Parliaments, or rather the Presbyterian Factions Creatures, and were therefore ready in all places to Preach up their Votes and Orders, to Extol their Actions, and applaud their Intentions; these were the Men that debauched the People with Principles of disloyalty, and taught them to Worship *Jeroboam's* Golden Calves, the pretended Liberty of the Subject, and the Glorious Reformation that was coming; which the Common People adored, even the Imaginary Idea of, like the wild *Ephesians*, as if it were a Government falling down from Heaven, and as they used to Cant it, the Pattern in the Mount, the New *Jerusalem*, and Mount *Zion*. And in short, the succeeding Tragedies of Murder, Rapine, Sacrilege and Rebellion, were in a great measure the dismal Harvest of these Seeds of Fears, Jealousies, the Lawfulness of resisting the King's Authority in assistance of the Parliament; their long Prayers and disloyal Sermons, their Curse ye *Meroz's*, and exhorting to help the Lord against the Mighty, which with such diligence they sowed, and with such unwearied pains by preaching, as they said, in Season, and most certainly out of Season, they took care to Cultivate and Improve; and whoever will take the pains to observe shall find in the thred of this History, that these Hirelings were so far from laying down their Lives, for the Sheep, that they preached many deluded Souls out of their Lives, by a flagrant Rebellion; and were so far from advancing the Gospel of Peace, that they sounded the Trumpet for War; and always their Pulpit Harangues to the People, were the Repeated Ecchoes of the Votes, Orders, Remonstrances and Declarations of *Westminster*.

Besides this general Order for Lecturers, there was a particular Order sent from the House to the Curate of *Farnham*, the Seat of the Bishop of *Winton*, commanding him to admit of a Lecturer.

Wednesday.
Septemb. 8.

The Contagion of the Pestilence, which had infected the Cities of *London* and *Westminster* increasing, there were by the agreement of both Houses of Parliament certain Orders made to prevent the spreading of the Infection, which were as follows.

Orders for
preventing
the spreading
of the Infection
of the
Plague.

(1.) *That the Bill (Lord have mercy upon us) with a large Red Cross be set upon the Door of every House infected with the Plague.*

(2.) *That all the stuff in the House where any have been visited with the Plague be well Ayred before they be discharged, or the House opened.*

(3.) *The House visited with the Plague to be shut up, whether any persons therein do die or not, and the persons so shut up to bear their own charges, if they be of ability.*

(4.) *No person to be removed out of any infected House, but by leave of the Magistrate.*

(5.) *If any person shall fly out of any House infected with the Plague,*
at

at or before the death of any in the House, such persons so flying to be pursued by Hue and Cry, and the House where they shall be found to be, shut up, and they returned back to the place from whence they fled.

Septemb.
1641.

(6.) That the Decree 40 Eliz. Imprinted, inter alia, for the relief of the Poor, who are driven to live by Begging, or to be relieved by Alms, and have been taken into new erected Tenements, and divided Houses, be taken into consideration during the time of Infection, and the Landlords of such Tenements to be rated according to the said Decree, with the Parishioners where such Buildings and Divisions are, as if they were dwelling in the said Parish; for that otherwise the said Buildings will be an insupportable charge to the Parish, and the poor people turned out into the streets in this time of Infection.

(7.) That the pavements in the streets be made sufficient, and so continued, the Kennels kept sweet and clean, the Soil of the said Streets to be carried away, and all annoyances to be removed; and such Inhabitants as shall refuse to pay the reasonable Rates Assessed on them for payment of the Scavengers, which shall cleanse and carry away the Soile, be distrained by their Goods for the payment thereof.

(8.) That if any person shall turn out of their Houses any Servant or Lodgers, being sick, power to be given to the Magistrate or Officer to put them in their said House again, or otherwise the said persons to provide sufficient maintenance for them, and upon refusing so to do, being able persons, to distrain the Goods of such persons, for the discharge, that shall so turn them out of doors.

(9.) If by order of the Magistrate, any persons visited, and removed out of their House or Lodging to the Pest-House, or other place, when they be recovered and in perfect health, the said Magistrate to have Power and full Authority to return and settle the said persons in their Houses or Lodgings, from whence they were so taken out, without contradiction of their Landlords or any others.

(10.) That all such Magistrates or other persons that shall be trusted with this Service, may be enabled to do all other things necessary, and pursuing the Execution of these Orders, as occasion shall require, and be out of the danger of misconstruction, seeing they hazard their particular safeties to provide for the Publick.

The Lord Privy Seal reported the Conference with the House of Commons concerning Raising and Transporting Forces out of His Majesties Dominions, where this Paper was read, Intituled,

Instructions agreed by the Lords and Commons in Parliament, upon the Ninth day of September, 1641. To be sent to the Committees of both Houses now attending His Majesty at Edinburgh.

The Conference between the Lords and Commons concerning Levies for foreign Princes, Sept. 9, 1641.

“ **W** Hereas we have received Information from you, as likewise
 “ from Mr. Secretary Vane, concerning the Complaint of the
 “ Spanish Ambassador about the stay of 4000 Men to be raised in His
 “ Majesties Dominions, and Ships for Transporting the same, You shall
 “ in the Name of both Houses of Parliament humbly present the true
 “ state of proceeding in Parliament concerning that business in this
 “ manner. “ When

Septemb.

1641.

“ When His Majesty was pleased to acquaint both Houses with the desire of the *French* and *Spanish* Ambassadors, to Transport Forces out of *England* and *Ireland*, His Majesty did withal graciously express his Resolution not to consent to these desires without the consent of his Parliament.

“ Both Houses have search't their Journals, and find by them, that not only they never made any expression of such a Consent, as they can make no such, but by Order, but that both Houses have by Vote declared their Opinions to the contrary, and have inclosed the Copy of those Votes.

“ That the Parliament cannot but wonder, that any person should presume to inform His Majesty that they had made any such Expression, having made no such Vote ; which they conceived to be destructive to the Proceedings, and contrary to the Privilege of Parliament.

“ And this being the state of the matter of Fact, the Parliament doth no less wonder, and conceives it an high injury to them, that the *Spanish* Ambassador should offer a Complaint of them to His Majesty for doing of that which, His Majesty having referred the consideration of the Ambassadors desires to the Parliament, they could not but do without manifest breach of their Duties, as Councillors in this His Majesties great Council of Parliament, for the Reasons following.

(1.) “ That the want in which Forreign States stand of Men is such, that great use may be made of them by His Majesty, and very advantageous Conditions had for them, in the making and strengthening of Alliances abroad, as his Affairs and Reason of State may require, which will be lost, as to so many, and we fear as to more, which under colour of these may be Transported, if these Men should be thus parted with.

(2.) “ That the breeding of *Irish* Papists in a Forreign War may begget Damage to that Kingdom, and Trouble to this ; especially serving under the King of *Spain*, there being already in his Dominions, and in his Armies Fugitives of that Nation, and that in great Commands over the Militia of the same.

(3.) That His Majesty having sent an Extraordinary Ambassador to *Ratisbone*, to demand, that in this present Dyet, that Justice be done to the Electoral House, by the House of *Austria*, and likewise published a Manifest, by advice of his Parliament, declaring that if this be not done by them (with whom how the Interests of *Spain* are involved and interwoven, is evident to all Men) His Majesty will employ all such Power wherewith God hath enabled him, both by his own Arms, and the assistance of all his Allies : to vindicate his Honour the Parliament conceives, That before Answer be made to this so just demand, it is neither Safe nor Honourable for His Majesty to furnish that Prince with Forces; which may be a disheart'ning to the Protestant Party abroad, a weakning to His Majesty, and a strength to his Enemies, in case Justice be not done to the Electoral House, which they conceive themselves to have the more Cause to doubt, by reason of the Publication in Print of the late general Amnesty to the Exclusion of the Prince Palatine.

Whereupon it was Resolved upon the Question, *Nemine Contradicente*, That this House joynes with the House of Commons herein.

After

After which an Ordinance was agreed upon, not to permit any Forces to be transported for the Service of Forreign Princes, which was as followeth.

Die Jovis 9. Sept. 1641.

An Ordinance was made and agreed upon by the Lords and Commons in this present Parliament, concerning the Raifing and Transporting of Forces of Horse or Foot, out of his Majesties Dominions of England and Ireland.

“ For the Safety and Defence of this Kingdom, and for the better enabling of his Majesty, to aid and assist his Allies abroad, It is Ordered by the Lords and Commons in Parliament, That none of his Majesties Subjects shall Treat or Contract with any Forreign Prince, or State, their Ambassadors, Agents, or other Ministers of any Forreign Prince or State, concerning raising or transporting any Forces, either Horse or Foot, to be imployed in the Service of any such Prince or State.

“ And it is further Ordered, That it shall not be lawful for any Owner or Master of any Ships, in either of the said Kingdoms, to Contract or Agree for the transporting of any Forces Horse or Foot, out of these Kingdoms for the Service of any Forreign Prince or State; and that no such Forces shall be Raised, Transported or Imployed, by any Person whatsoever in the Service of any Forreign Prince or State, without the Special Licence of His Majesty, with the Consent and Advice of the Lords and Commons in Parliament.

“ It is further Ordered, That none of the Ships of any of his Majesties Subjects of *England or Ireland*, which have or shall be imployed in the Service of any Forreign Prince, shall be used or imployed against any Forces, which shall be any where commanded by his Majesties Commission by Sea or Land, but such of his Majesties Subjects, as are in any such Service, shall forthwith withdraw themselves from the same, and refuse to bear Arms in such Case.

“ It is likewise further Ordered, That whosoever shall Contemn or disobey this Ordinance, shall be taken to be a high Contemner of the Authority of the Houses of Parliament, and shall be liable to such further Censure as shall stand with their Honor and Justice in that behalf.

This Order to continue and be in Force unto the first Day of November next, and to be forthwith Printed and Published.

After which Mr. Pym Reports the Declaration of the Commons in Parliament made September 9. which was as followeth.

A Declaration of the Commons in Parliament, made September the Ninth 1641.

“ The Knights, Citizens, and Burgeses of the Commons House, having received many great Complaints from the several Parts of this Kingdom, of heavy Grievances upon divers of his Majesties Subjects, by the excessive pressing of some Matters concerning Religion, which are in their own Nature indifferent, by Pretext or Colour of the Laws now in force, and by the unlawful enforcing other things without any Colour of Law: and considering that a full Reformation cannot be made in this streight of time, did

Septem.
1641.

Thursday,
Septem. 9.

The Ordinance
against trans-
porting Forces
into the Ser-
vice of any
Forreign
Prince.

A Declaration
of the Com-
mons without
the consent of
the Lords for
Reformation
of several Mat-
ters in the
Church, Sep.
9. 1641.

Septem.

1641.

for the Comfort and Ease of the People, frame an Order in manner following.

Die Mercurii 8. Septemb. 1641.

“ **W** Hereas divers Innovations in or about the Worship of God, have been lately practised in this Kingdom, by enjoying some things, and prohibiting others, without Warrant of Law, to the great Grievance and Discontent of his Majesties Subjects : For the suppression of such Innovations, and for the preservation of the Publick Peace, It is this day Ordered by the Commons in Parliament Assembled, That the Church-Wardens of every Parish-Church and Chappel respectively, do forthwith remove the Communion Table from the East end of the Church, Chappel, or Chancel, into some other convenient Place ; and that they take away the Rails, and level the Chancels, as heretofore they were, before the late Innovations.

“ That all Crucifixes, scandalous Pictures of any one or more Persons of the Trinity ; and all Images of the Virgin *Mary*, shall be taken away and abolisht, and that all Tapers, Candlesticks, and Basons, be removed from the Communion Table.

“ That all Corporal bowing at the Name (*J E S U S*) or towards the East End of the Church, Chappel, or Chancel, or towards the Communion Table, be henceforth forborn.

“ That the Orders aforesaid, be observed in all the severall Cathedral Churches of this Kingdom, and all Collegiate Churches or Chappels in the two Universities, or any other part of the Kingdom, and in the Temple Church, and the Chappels of the other Innes of Court, by the Deans of the said Cathedral Churches, by the Vice-Chancellor of the said Universities, and by the Heads and Governors of the severall Colledges and Halls aforesaid, and by the Benchers and Readers in the said Innes of Court respectively.

“ That the Lords Day shall be duly observed and Sanctified : All Dancing, or other Sports, either before, or after Divine Service, be forborn and restrained ; and that the Preaching of God’s Word be permitted in the Afternoon, in the severall Churches and Chappels of this Kingdom, and that the Ministers and Preachers be encouraged thereunto.

“ That the Vice-Chancellors of the Universities, Heads or Governors of Colledges, all Parsons, Vicars, Church-Wardens, do make Certificates of the performance of these Orders : and if the same shall not be observed in any of the Places aforementioned, upon complaint thereof made to the two next Justices of Peace, Mayor, or Head Officers of Cities or Towns corporate, It is Ordered that the said Justices, Mayor, or other Head-Officer respectively, shall examine the truth of all such Complaints, and certifie by whose Default the same are committed ; All which Certificates are to be delivered in Parliament before the thirtieth of *October* next.

A Nd did upon the eighth of September, in a Conference with the Lords, desire their Lordships to Consent unto it, and to joyn with them in the Publishing thereof, whereunto they never received Answer, but contrary to their Expectation upon this present ninth of September, being the Day intended for the Recess of both Houses, they received in a Conference from

from their Lordships, an Order dated January the sixteenth 1640. In these Words.

*Septem.
1641.*

Die Sabbati 16. Januarii 1640.

IT is this day Ordered, by the Lords Spiritual and Temporal in the High Court of Parliament Assembled. That the Divine Service be performed as it is appointed, by the Acts of Parliament of this Realm: And that all such, as shall disturb that wholesome Order, shall be severely Punished according to the Law: And the Parsons, Vicars and Curates in the severall Parishes, shall forbear to introduce any Rites or Ceremonies that may give Offence, otherwise then those that are established by the Laws of the Land.

And one other of this present ninth of September, In these Words.

*Resolved upon the Question this ninth of September, 1641.
That the obovesaid Order shall be Printed and Published.*

DEsiring that the Commons would joyn with them in publishing thereof, which being presented to the House of Commons, it was thought unseasonable at this time to urge the severe Execution of the said Laws: Whereupon it was voted, that they do not consent to those Orders, or either of them.

And they have thought fit to make this Declaration, that it may be understood, that the last Order of the Lords was made with the Consent only of Eleven Lords, and that nine other Lords then present did dissent from it; so that it may be still hoped, when both Houses shall meet again, that the good Propositions and Preparations in the House of Commons, for preventing the like Grievances, and reforming the Disorders and Abuses in Matters of Religion, may be brought to perfection: Wherefore they expect that the Commons of this Realm, do in the mean time, quietly attend the Reformation intended, without any tumultuous Disturbance of the Worship of God, and Peace of the Kingdom.

The Declaration being read it was

Resolved upon the Question, *That the House doth Assent to this Declaration.*

Resolved, &c. *That this Declaration be forthwith Printed and Published.*

Ordered, *That this Declaration, when it shall be Printed, shall be brought to the Committee that is appointed to sit during the Recess, to take Care for the dispersing them.*

This having been carried up to the Lords for their Concurrence, the three first Heads wered debate, and it was Resolved,

(1) *That where there are Railes already, they are not to be removed with the Communion Table, but where there are none, they shall not be enforced upon any; and that all Steps in the Chancels raised towards the Altar within these fifteen Years last past, shall be levelled.*

(2) *That Crucifixes, Scandalous Pictures of any of the Persons of the Trinity, are to be abolished without Limitation of the time since their Ere-*

Septemb.
1641.

tion, and all Images of the Virgin Mary, that have been set up within 20 years to be abolished.

(3.) For the Ceremony of bowing at the Name of Jesus, it shall not be enjoined nor prohibited to any Man.

Ordered, That the rest of the particulars shall be considered to morrow morning, being September the Ninth.

Committee of
Lords during
the Recess.

It was Ordered, That these Lords following, viz. L. Keeper, L. Privy Seal, L. Chamberlain, E. Warwick, E. Clare, E. Denbigh and E. Cleeve-land shall have Power from this House to joyn with a Select Committee of the House of Commons, to receive and open the Letters which shall, in the time of the Recess, come from the Committee of both Houses out of Scotland, and to return Answers according to Instructions given to the Committees already; and to have Power to recal the said Committees in Scotland, when they shall think fit, and to assist about disbanding of the Army, and removing the Magazine at Berwick and Carlisle, and sending down Mony to the Army if need be; and that these Lords Committees are to make report of the same to this House at the next meeting: And lastly, To give notice to the said Committees in Scotland, to direct their Letters to the L. Keeper.

Order about
the Bishops
who were Im-
peached.

It was also Ordered, That the Lords the Bishops, that now stand Charged in this House, by Impeachment from the House of Commons, concerning the making of the late Canons, &c. shall put in their Answers to the said Impeachment the Tenth day of November in the morning.

After which the House was Adjourned till the 20th of Oct. 1641.

Now that the Reader may more clearly understand this matter, it is to be remembred that the House of Lords, in a full House, having observed, and complaint having been made of the Tumultuous behaviour of the Sectaries in divers places, affronting the Publick and Established Liturgy, and the Clergy in the Ministration of it, had made this first Order of the 16th of January 1640, which the Commons had then never so much as excepted against; and therefore during the Recess they Judged it convenient, for the preventing the like disorders, to repeat the same Order by the same Authority, and therefore it was

Resolved upon the Question, That the Order of the 16th of January 1640, shall be Printed and Published.

The Lords Assenting were,

Lord Bishop of Lincoln,	Lord Denbigh,
Lord Mowbray,	Lord Portland,
Lord Wentworth,	Lord Carnarvan,
Lord Cleveland,	Lord Coventry,
Lord Dunsmore,	Lord Newark.
Lord Dover,	

But there were several Lords who dissented to the Printing and Publishing it, without first having a Conference with the House of Commons, which the other Lords thought not necessary in regard it was but the Reviving of a former Order, the dissenting Lords therefore desired to enter their dissent, which they did in this manner.

W^e

WE whose Names are underwritten, having before the putting of the Question demanded our right of Protestation, do accordingly make our Protestation, That we held it fit to have the consent of the House of Commons, in those things which so nearly concern the Quiet and Government of the Church; and therefore we desired to have a Conference with the House of Commons before any conclusive Order were Printed or Published herein; especially the House of Commons having lately brought to us, and desired the consent of our House, unto certain Votes of theirs, against certain Innovations in or about the Worship of God, lately practised in this Kingdom without Warrant of Law.

Therefore to quit our selves of the Dangers and Inconveniences that might arise by the Printing and Publishing of the said Order of the 16th of January, as binding to the whole Kingdom, without desiring the House of Commons their consent, we did protest our disassent to this Vote, and do thus Enter it as aforesaid.

Lord Bedford,
Lord Warwick,
Lord Kimbolton,

Lord Newport,
Lord Wharton,
Lord Clare.

Happy it was for the Bishops that only the Bishop of *Lincoln* of all the Bishops was then present at the House, and Assenting to this Vote, otherwise the whole Nation had Rung of it, that they were the only Obstructors of the intended Reformation, and would have furnished their Enemies with one Argument more for the Extirpation of the Hierarchy Root and Branch.

This Specimen one would have thought might have opened the Eyes of these Lords, and the whole Nation, to see what this Faction of the House of Commons aimed at, which was, after all their pretensions to the contrary, to divest the King of all his Supremacy, and the Lords of their Jurisdiction, to make their Votes equivalent to, and as obliging as the Laws; which were confirmed and made so by the Impress of the Royal Assent: But here certain things were imposed by the Commons, without ever concerning themselves about the King's Assent, and against the Assent of the Lords House, for the Allegation of the small number of the Lords at this Vote was to no purpose, since they were the Majority of the Lords that were present, and at that time when this Declaration passed the Commons, as appears by the Division of the House upon Colonel *Ashburnham's* Vote, the House of Commons was far thinner in proportion then the Lords; insomuch that for fear the House should fall for want of Forty Members, there was an Order, That sixty should appear upon the day of Adjournment for the Recess.

This was also designed as a further way of Discrimination of their Friends and Enemies, for whoever of the Clergy especially, should not think themselves obliged to observe these Orders, which no Man could, that knew they were not the Laws of the Land, was sure to be certified, if not by the Church-Warden and Officers, yet certainly by the informing Sectaries, who were very diligent in springing Game for the Committee and Sub-Committees for Religion, the Ministers Remonstrance, and for Scandalous Ministers, Mr. *White's*, Mr. *Corbet's*, Sir *Robert Harlow's* and Sir *Edward Deering's* Committees: And then these Godly Informers must be gratified for their Petitions, Informations, and such like good

Septemb.

1641.

The Protestation of the Lords who were against Printing the Order of 16 January, 1641. It seems the Commons did not think the Consent of the Lords necessary to their Declaration.

Sept.

1641.

good Service to the Common-Wealth, by the Imprisonment, Scorn and Contempt, Charges, and many times utter Ruine of the truly Loyal and Orthodox Clergy of the Church of *England*. And whoever will take the pains to Rake in that Libel of Mr. *White's*, called, *The first Century of Scandalous Malignant Priests*, will find that the greatest Crimes which many of the Clergy were Accused for, and turned, they and their Families, naked to the wide World, were the disobeying this Order.

For Bowing at the Name of Jesus, *Examples 33 and 43.*

For setting up the Name of Jesus in the Church, *Ex. 72.83.*

Preaching against Sacrilege, *Ex. 22.*

Bowing the Body in God's House, *Ex. 7.*

But to return to the House of Commons after the Voting of this Declaration, they fell upon the business of the Recess, and preparing Instructions for the Committee which was to Sit during the time of the Adjournment. And

The standing Committee during the Recess of the Parliament.

Mr. Pym,
Sir Gilbert Gerrard,
Sir John Franklin,
Sir John Culpeper,
Mr. Wheeler,
Sir Henry Mildmay,
Mr. Bridgman,
Sir Thomas Bowyer,
Sir Thomas Barrington,
Sir Edward Hales,
Sir William Litton,
Sir Richard Cave,
Mr. Robert Goodwin,
Sir Samuel Luke,
Mr. Wingate,
Sir Robert Pye,
Alderman Soams,
Alderman Pennington,
Captain Venn,
Mr. Vassal,
Lord Falkland,
Capt. Rainsborough,
Mr. Bence,

Sir Peter Wroth,
Sir John Holland,
Mr. Winwood,
Mr. John Goodwin,
Sir Thomas Dacres,
Mr. Morley,
Mr. Henry Martin,
Mr. Arthur Goodwin,
Sir John Clotworthy,
Mr. White,
Mr. Solicitor,
Mr. Spurstow,
Mr. Laurence Whitacre,
Serjeant Wild,
Mr. Strode,
Sir Henry Vane,
Mr. Glyn,
Sir Symon D'Ewes,
Sir William Drake,
Mr. Beddingfield,
Sir Gilbert Pickering,
Mr. Blakston,
Mr. Waller,

were appointed to be a Committee during the Recess.

Directions for the Committee during the Recess.

This Committee to meet on Saturday next in the Exchequer-Chamber at Nine of the Clock in the Fore-noon: and they are to meet every Tuesday and Saturday in every Week, and at such other times as they think fit during the Recess; and they or any Six of them have power to meet with the Commissioners of the Lords appointed during their Recess, at such times as they shall appoint.

They have Power to receive, open and answer such Letters as come from the Committee in Scotland according to former Instructions and Orders of this House.

To take Care that the Orders of this House be punctually observed concerning

cerning Disbanding the Army, Train of Artillery and Garrisons, and for the Issuing and sending down of Money to those purposes.

To Recall the Committee in Scotland, if they see Cause.

To go on in preparation of Proceedings against the Principal of such Delinquents, as are already Voted or Complained against, and to report.

Upon any Informations of Riots or Tumults, to have Power to send to all Sheriffs, Justices of Peace, and other Officers, to stir them unto their Duties in repressing them, and to report.

To Examine the Entries of the Clerks Books, and that the Committee may not mistake any past Actions of the House, a Clerk to be left there with the Books.

To take Care of the Preparations for his Majesties Revenue, and to take into Consideration any Accounts to his Majesty.

To go on in prosecution of the Consideration of a West-Indian Company.

To take into Consideration the Fishing upon the Coasts of England, Scotland and Ireland.

To take into Consideration the Resolutions of the Abuses in Exchange and Transporting of Money, and the Regulating of the Par between this and other Nations.

To prepare the Irish Laws depending, to be either at the Access transmitted to the Lords, or recommended to the Irish Parliament.

To consider about Sal Petre and Gunpowder.

To send for any Persons, Writings and Records.

To prepare a Discharge for the Earl of Warwick, according to those Acquittances he hath given concerning the Northern Counties.

After which the Speaker desired he might have leave to go into the Country during the Recess; which being granted, the House was Adjourned till October 20. at Eight of the Clock in the Morning.

Happy had it been for England had they never met again to be the Authors of the most Dismal Tragedy that ever was Acted upon the Theatre of England; but Providence, whose Wisdom is unsearchable, had Ordained them to be a Scourge to a People Wanton with Long Peace, Ease, Plenty, and Even Religion it self.

The day to which the Parliament was Adjourned being now come, both Houses met, And the Lords being sate in their House, and divers of them observing the Palace Yard full of Armed Men, it was moved, That it might be known upon what Grounds and Reasons the Trained Bands of Westminster were in the Old and New Palaces assembled. The Lord Chamberlain being Captain General of the South Parts of this Kingdom during the King's absence in Scotland by Command of the House, signified, That his Lordship received a Desire from the Committee of the House of Commons which sate during the time of the late Recess, that there might be a Guard of Souldiers about the Parliament, to prevent the Insolence and Affronts of Souldiers at this time about the Town, and to secure the Houses against other Designs which they have reason to suspect, untill the Parliament meets and gives further Order therein.

Hereupon it was Ordered, That the Lord Chamberlain shall by virtue of this Order continue a Guard of Souldiers, to guard the Parliament Houses until the further Pleasure of the Parliament be known; and that the Number of the said Soldiers shall be wholly left unto the discretion and management of the said Lord Chamberlain Captain General.

After

Sept.

I 6 4 I.

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Octob. 20.

Wednesday,  
Octob. 20.

The Parli-  
ament takes a  
Guard of the  
Trained Bands  
of Westminster.



Sept.

1641.

The Conspira-  
cy in Scot-  
land.

Mr. Pym's Re-  
port of what  
was done dur-  
ing the Recess.

It was design-  
ed for a Snare  
for the Loyal  
Clergy.

After this the Lord Keeper informed the House, That he had received a Letter from the Lord *Howard* in *Scotland* dated the 14th of *October*, which was read, declaring, *That upon Monday Night then last, there fell out a great Interruption in the Business there, by reason of an Information given to the Marquiss of Hamilton, the Earl of Argyle, and the Earl of Lannerick, That there was a Design to seize upon their Persons that Night, whereupon they removed their Lodgings, and stayed in the City all Night, and relation being made hereof the next day to the Parliament, the Earl of Crawford, Colonel Steward, and Colonel Cockram were restrained; and after a further Examination, his Lordship will give this House a further Information.*

The first thing that was done in the House of Commons, Mr. *Pym* Reports what was done during the Recess.

“ THE first thing we had in Charge was concerning the Declara-  
“ tion of the House about Innovations, the Committee have sent  
“ divers of them into the Country, and have found that in some places  
“ where there were good Ministers, they were Entertained, and in some  
“ other places they were neglected, but for the most part, it is by those  
“ that have been questioned here for other Matters.

“ The Committee took into Consideration the Intention of the House  
“ concerning the publishing of the Declaration, therefore they gave  
“ Directions to require the publishing thereof in Churches, and that the  
“ Churchwardens might see the Execution thereof. Some Particulars  
“ concerning this will come in a Special Report, which I shall now  
“ only touch upon in General, in regard of the Great Importance of the  
“ Business first to be considered of this day, touching the Troubles of  
“ *Scotland*, of which I shall give you an account.

“ The next thing the Committee did take into Consideration, was the  
“ Correspondency with the Committee in *Scotland* in receiving Letters  
“ from them, and sending Answers to them; I shall not need to produce  
“ their several Letters now, it will take up too much time, but the chief  
“ Point was touching the Disbanding of the Army and two Garrisons of  
“ *Berwick* and *Carlisle*: for *Carlisle*, it is totally Disbanded, and the Sol-  
“ diers sent into *Ireland* to be placed there as they were before in the  
“ King's Army; for we did conceive it Fitter those new men now in  
“ the King's Army there should be dismissed, and these that were for-  
“ merly taken from thence should be entertained again, for we hear a  
“ good report of their Carriage at *Carlisle*.

“ For the Garrison at *Berwick*, that required longer time of Conside-  
“ ration at the Committee; for besides the demolishing of the Works,  
“ which was much pressed by the *Scots*, and seconded by a Letter from  
“ his Majesty out of *Scotland*, there was a want of Money, yet the  
“ Committee got sufficient to Disband all, and sent it down, and be-  
“ cause the *Scots* Commissioners desired to know a certain day of our  
“ Disbanding, and then they would upon knowledg of that disband  
“ their Forces; whereupon the Committee set down the 15th of *October*  
“ to be the last day of Disbanding; and the Letter yesterday received  
“ from Sir *Michael Ernley* shows that he hath Money enough to disband  
“ all, and that the Horse are disbanded, and Five Companies of Foot;  
“ and that on *Friday* last the other Companies of Foot had been dis-  
“ banded, but that a Letter came from Sir *Henry Vane* in his Majesties  
“ Name, requiring to stay the disbanding of the rest till further Order;

“ of



October,  
1641.

" of which you shall hear more when I come to that part of my Report.

" For the Arms and Ammunition at *Carlisle*, the Committee gave Order for the safe laying of them up to be well kept, till the next Spring, that it be more Seasonable to send for them away, they being now five or six miles from the Sea side, which would have taken now much time to have shipped them, and Sir *George D'alliston* and other Members of the House are desired to take care of the safe keeping it in the mean time.

" For the Ammunition at *Berwick*, the Committee have sent six Ships to Transport the same to the *Tower*, and agreed with them for a certain Sum for the doing thereof within such a time; and if they stayed longer, to have so much *per diem* for demurrage.

" The next thing we took into Consideration at the Committee was concerning Tumults, though we cannot say any great Tumults, yet there were seeds sown which might have occasioned some in the Execution of the Order of the House touching Innovations: but I shall make a particular Report of those Parishes where they were at blows and likely to come to blows, if the Committee had not sought the prevention of it, which was the Ground why the Committee entertained their Petition.

" There was another like Trouble and sign of Tumult by the frequent resort of Troopers to Town, and to the Committee, who delivered in Thirty Petitions to the Committee in their own Names, and the Names of other discontented persons in the Army: We could not refuse to accept their Petitions, lest they should grow to Tumults; and of their Complaints and the Nature of them, I shall give a particular Report; but the Committee Voted nothing concerning them. It will be very fit to resolve something concerning them, that they may depart the Town, for under the name of the Soldiers many Robberies are done: which occasioned the Committee to give Order, *That all of them that desire to have Passes to go beyond Sea, might have the same*: But this would not serve their turn, unless they might have liberty to receive pay here, to go in Companies, under Commanders, to the Service of Foreign Princes, which the Committee could not give way unto, in regard of the Ordinance of both Houses to the contrary.

" There is another Head the Committee had in Charge concerning the King's Revenue. All that we could do in that, which I did by the direction of the Committee, was to take Care for a Ballance touching the same, and accordingly I spake with the King's Officers about it, and a Ballance will be ready when you shall please to call for it.

" The next was concerning the Exchange beyond Sea; I think for that there will be a good return made for the Benefit of the Commonwealth.

" Another thing was concerning the *Irish* Petitions; but the Gentleman that used to be in the Chair for *Irish* affairs, Mr. *Whistler*, was out of Town, and had most of their Petitions with him, so we could do nothing; only one Mr. *Cope* and Mr. *Lomach* who had long attended, had their Case made known to the Committee, the one desiring to have two Witnesses Examined upon a Petition here depending, who are ready to go to Sea: and the other Mr. *Cope* of *English* Pa-

See here a Committee Exercise more power than they would allow the King, and a pretty Evasion of the Order of Parliament in giving single Passes, by which 20000 Men might have been as Easily Transported as 200.



October,  
1641.

“rents and great Family, is a Petitioner for recovery of an Estate of great Value, which he conceives hath been long kept from him wrongfully, and desires that a *Committee* may but consider of the Depositions already taken touching the same in several Courts of Record, Whether these be not just Cause for him to have Relief and matter of Ground to proceed on in his Petition; and if not, he will desist in Petitioning the House.

“Next thing in Charge was concerning the Delinquents; in that we made but a small progress, for we had a desire to have perfected the Charge against my Lord Archbishop of *Canterbury*; but in regard those of the Long Robe of the *Committee* were for most part absent, we could not proceed therein.

“Next there came to me to my Lodgings at *Chelsey* Sir *John Berkley*, and Sergeant Major *Oneal*, who said, *That they were accused, and had rashly withdrawn themselves, but upon better consideration they were returned to submit to the Pleasure of the House.* I thought it my Duty to make some Privy Councillor acquainted therewith, whereupon I went to my Lord *Wilmott* with them, who undertook they should attend the *Committee* the next Sitting; which they did accordingly, and in pursuance of the Order and Warrant of the House for the apprehending of them, they were both attached by the Sergeant's Deputy: so the House may be pleased to send for them, and to do therein as they see Cause.

“For the Letters last received out of *Scotland* from the *Committee*, they speak of something intended to be done there upon the Persons of divers Lords of *Scotland*; and in regard some of the Parties suspected to have a hand in that Design are suspected to be Papists, the *Committee* did conceive it might have Correspondence with the like Party here, and therefore Commanded me Yesterday to write to my Lord Mayor of *London* to place convenient Guards in several places of the City, till he received further Directions from the Parliament; and the like to the Justices of the Peace for *Middlesex*, *Westminster* and *Southwark*, and to observe such further Directions, as they should receive from the Earl of *Essex*, who in his Majesties Absence is appointed General on this side *Trent*.

“I forgot to Report one thing, That upon *Tuesday* last was Seven-night, the *Committee* here agreed, and so Ordered, That the *Committee* of *Scotland* should, unless they see cause to the contrary, return home; and lest our Letter might miscarry, Commanded me to send an Express Messenger to them; and I did so, and writ also, by the Weekly Post, of our Order, as also of the Lords Order for their Commissioners to come home: The Party I sent, who was commended to me for a very honest man, should have been there on the *Monday* following, which he Easily might have done, if he had been well; but on *Friday* last he was not come to *Edinburgh*, neither could he be heard of in all the Road; so that we may justly fear some misfortune is befallen him, that he is knocked on the head, and his Letters taken from him.

Sir *John Berkley* and Mr. *Daniel Oneal* committed.

After this Sir *John Berkley* was by Order of the House committed Prisoner to the Tower, and Sergeant-Major *Oneal* to the Gate-House.

Then



Then Mr. Pym reports Heads for a Conference with the Lords; the Letter from the Committee in Scotland, of the 14th of October to be read, *That there was a design of the like nature in this Kingdom, to seduce the King's Army to interrupt the Parliament here, and the like design at the same time in Scotland; the principal Party in Scotland suspected to be Popishly affected, and therefore may have Correspondence with the like Party here: That it hath been lately published here, that some things were to be done in Scotland, before it broke out there, and therefore we may suspect some Correspondency here: Upon these Grounds to propose to the Lords, that strong Guards be kept in the Cities of Westminster and London.*

Secondly, *That care may be taken for the future, for the defence of the Kingdom.*

The next great step these Men had before them was the Power of the Sword, the Command of the Militia of the Kingdom; which under the notion of putting the Kingdom into a Posture of Defence, they thought by Artifice to have gained from the King, and to put out of all Places of Power and Trust those whom they knew to be their Enemies, or suspected might oppose their Anti-Monarchical Designs, and to fill the Vacancies with those of their own Party: for if they could gain this point, they assured themselves of Impunity for the future, and the easie accomplishment of their great Affairs; and therefore they not only laid hold of all occasions, which might Countenance this Attempt, but found out many Dangers and Imaginary Fears and Jealousies which had no other Foundation but their own Politick Fancies.

Before we proceed any further, in regard Mr. Pym's report of what was done during the Recess is very concise, I will give the Reader an account of some passages which I meet with in the Prints which then went abroad, by which he may see what effect this Declaration of the House of Commons had upon the Affairs of the Church, and how quietly and without Tumultuous disturbances, the Godly Party did, according to the last Clause of the Declaration, attend the intended Reformation.

For at St. Giles's Cripple-Gate, the Sectaries, and the Orthodox were got almost to Daggers drawing, the one about Executing the Order of the House of Commons, the other for preserving their Church in its ancient condition, with the Rails about the Communion Table: But in the End, it seems the Church was for that time secured; and the Church-Wardens and Parishioners presented a Petition to the Committee, that the Rails about the Communion Table might not be taken away, setting forth among other Reasons, for that they have been placed so near upon Fourscore years, and the necessary Use, Decency and Convenience of them in the Administration of the Holy Sacrament. But notwithstanding this Prescription to their quiet Possession, they were by the Committee condemned as an Innovation, and the Petitioners were referred to the Order of the whole House upon it, and dismissed with a menace to submit unto it, or to answer their contempt at their Peril.

Upon Tuesday the 5th of October, a complaint was made against a Church-Warden, and some others of the Parish of St. George's in Southwark, for some resistance made by them about the Rails taking down which were about the Communion Table, and they were ordered to attend the Committee on Friday following; for where the Zealous Re-

October.

1641.

Heads of a Conference about the Conspiracy in Scotland.

An Innovation of 80 years standing.



October,  
1641.

formers were not strong enough to execute the Order by Force and Violence, Rudeness and Tumult, they had ever recourse to the Trade of Informing.

But where they had strength, there they carved out their own satisfaction, breaking down the Carved work of the Houses of God with Axes and Hammers, and in *St. Mary Wool-Church, London*, not content to pull down the Rails, they fell upon the East Window, which was fairly beautified with Painting of several Histories of the Bible, and in the height of their Zeal against Innovations, made bold to exceed the Limits of the Commons Declaration, utterly defacing and beating it in pieces, as they did several other Monuments of Antiquity in that Church.

Complaint was made again Dr. *Heywood* of *St. Giles's Church*, for not suffering the Order to be read in his Church, upon which he was Ordered to attend upon the Committee upon *Saturday* following.

There was likewise a Petition delivered against Mr. *Booth* Minister of *St. Botolphs Aldersgate*, for not permitting the Rabble of Sectaries to pull down the Rails, &c.

Another Petition was preferred against Dr. *Fuller* Dean of *Ely*, for opposing the Order about Lecturers, the Zealots being desirous to set up Mr. *Sedgewick*, a Factious Minister, to preach a *Thursday-Lecture* in his Parish.

This day the whole Trained Bands of *Westminster* attended all the day long in Arms, in the Palace Yard, till both the Houses rose; when they received Directions from the Earl of *Essex* to divide their whole number, being about 500 Men into four parts, for that it would be too hard duty for the whole Band daily to attend, and also to watch by Night, therefore one hundred might attend for the Day, and be relieved at Night for a *Corps du Guard*, and by this means they might alternately be eased.

The Commons reassumed the Debate concerning the Danger of the Times, and Ordered that another Head of the Conference with the Lords should be to move, *That an Express be sent to the Committee of both Houses in Scotland, to let them know, That the Parliament takes well the Advertisement, and that they conceive the Peace of that Kingdom concerns the Good of this Kingdom; and that if there be any Tumult to oppose the Acts Confirmed by both Kingdoms, and that his Majesty will Command any Assistance to Suppress them, that both Houses will be ready to maintain his Majesty in his Greatness, and to suppress those that are disturbers of the Peace.*

It was also further desired at the Conference, That Sir *John Berkley* and *Daniel Oneal*, who had rendred themselves to the Committee during the Recess, might be Examined by the Lords in the same manner, as the others who were suspected of the Confederacy, had been; and it was particularly Ordered by the Lords, *That Sir John Berkley be Examined concerning what he reported of the Lord Admiral's Advice to him to come over into England, he being fled upon a suspicion of having a hand in the late Treason of bringing up the Northern Army against the Parliament.*

A Complaint was brought into the House against the Curate and some Parishioners of *Cripplegate*, for not obeying the Order of *Sept. 8th* for Reformation; Upon which occasion, Sir *Edw. Deering*, whom for his last Speech the Faction began to dislike, spake as follows.

Mr. Speaker,

The Trained-bands raised to Guard the Parliament.

Thursday,  
October 21.



Mr. Speaker,

IT is very true (as is instanced unto you) that your late Order and declaration of the eighth and ninth of *September*, are much debated and disputed abroad: perhaps it may be a good occasion for us to re-dispute them here.

The intent of your Order, to me, seems doubtful, and therefore I am bold for my own instruction, humbly to propound two Quæres.

1. How far an Order of this House is binding?
2. Whether this particular Order be continuant or expired?

Your Orders (I am out of doubt are powerful) if they be grounded upon the Laws of the Land. Upon that warranty, we may by an Order, enforce any thing that is undoubtedly so grounded: and by the same Rule we may abrogate whatsoever is introduced contrary to the undoubted foundation of our Laws:

But Sir, this Order is of another nature, another temper: especially in one part of it. Of which (in particular) at some other time.

Sir, There want not some abroad, men of Birth, Quality, and Fortunes; such as know the strength of our Votes here as well as some of us: (I speak my own Infirmities) men of the best worth, and of good affiance in us, and no way obnoxious to us: They know they sent us hither as their Trustees, to make and unmake Laws. They know they did not send us hither to Rule and Govern them by Arbitrary, Revocable, and Disputable Orders: especially in Religion: No time is fit for that, and this time as unfit as any. I desire to be instructed herein.

Mr. Speaker, in the second place, there is a Question whether this Order (whereupon your present complaint is grounded) be permanent and binding, or else expired, and by our selves deserted.

I observe, that your Order being made the eighth of *September*, in hope then of concurrence therein by the Lords; that failing, you did issue forth your last resolution by way of declaration the ninth of *September*, wherein thus you express your self. — *That it may well be hoped, when both Houses shall meet again, that the good propositions and preparations in the House of Commons, for preventing the like grievances, and reforming the disorders and abuses in matter of Religion, may be brought to perfection: wherefore you do expect that the Commons of this Realm do in the mean time* — (What? obey and perform your Order made the day before? No such thing: but in the mean time) — *quietly attend the Reformation intended.*

These are your words, and this my doubt upon them: whether by these words you have not superseded your own Order. Sure I am, the words do bear this Sence, and good men may think and hope it was your meaning.

My humble Motion therefore is this: I beseech you to declare, that upon this our Re-convention, your Order of the eighth of *September* is out of Date: And that the Commons of *England* must as you say quietly attend the Reformation intended, which certainly is intended to be perfected up into Acts of Parliament. And in the mean time that they must patiently endure the present Laws, until you can make new or mend the old.

The Commons fell again upon the Impeachment of the Bishops, and a Message being sent to the Lords to desire they might be put to a speedy Answer; the Tenth of *November* was given the Bishops for a day to give in their Answer to the Charge.

A Letter was then read in the House which was to be sent to the Committee in *Scotland*. Which was as followeth:

THE Advertisement which you have given in your Letters of the 14th of this Month, concerning the Designs against the Persons of the Lord Marquiss Hamilton, the Earls of Argyle and Lannerick, hath been communicated to both Houses, who do very much commend your Wisdom and

October,  
1641.

Sir Edw. Deering's Speech about the Order of the 8th of September, Oct. 21. 1641.

Friday,  
Octob. 22.

The Letter to the Committee in Scotland.



October,  
1641.

and Diligence in sending them timely Notice of an Accident of such great Consequence to the Peace both of this and that Kingdom, and do give you Thanks for your Care therein; and I am to let you know, That We have received no other publique Intelligence thereof. Wherefore the Desire of both Houses is, That so long as you stay there, you continue to Inform the Houses of Parliament of the Further Proceedings in this matter, and such other Accidents as may any way concern the Safety of both Kingdoms, and thereupon they have thought good to make further addition to your former Instructions touching some things which they conceive fit to be represented to his Majesty, from the Lords and Commons of this Parliament here, as you may perceive by the inclosed which I am Commanded to send to you, and to commend to your Care and Wisdom, not doubting but you will fully answer their Expectations and Confidence. And for the performance hereof, their Pleasure is, That you should continue there to wait upon his Majesty till you receive further direction, or that his Majesty be pleased to come away for England.

*Instructions of the Lords and Commons in Parliament, to the Committees of both Houses now Attending his Royal Majesty in Scotland.*

## I.

“ YOU shall acquaint his Majesty, That by your Advertisement, both Houses have taken Notice of the Examinations and Confessions taken in the Parliament of Scotland, concerning a malicious design affirmed to be undertaken by the Earl of Craford and others against the Persons of the Marquis of Hamilton, the Earls of Argyle and Lanerick, having taken the same into Consideration, they have good Cause to doubt, That such ill-affected persons as would disturb the Peace of that Kingdom, are not without some malicious Correspondence here; which, if those wicked Purposes had taken Effect in Scotland, would have been ready to attempt some such mischievous Practices as might produce Distempers and Confusions in this Kingdom, to the Hazard of the Publique Peace: for prevention whereof, they have given Order for strong Guards in the Cities of London and Westminster, \* and have resolved to take into their Care the Security of the rest of the Kingdom.

## II.

“ You shall further declare to his most Excellent Majesty, That the States of his Parliament here do hold it a matter of great Importance to this Kingdom, That the Religion, Liberty and Peace of Scotland be preserved, according to the Treaty and Articles agreed by his Majesty, and confirmed by Act of Parliament, of which they are bound to be careful, not only by Publique Faith in that Treaty, but by their Duty which they ow to his Majesty and this Kingdom; because they hold it will be a great means of preserving Religion, Liberty and Peace in England, Ireland, and his Majesty's other Dominions; and the Union of all his Loyal Subjects in maintaining the Common good of all, will be a sure Foundation of Honor, Greatness, and Security to his Royal Person, Crown and Dignity: wherefore they have resolved to Employ their Humble and Faithful Advice to his Majesty, the Power and Authority of Parliament, and of this Kingdom, for Suppressing of all such as by any Conspiracy, Practice, or other Attempts shall endeavour  
“ your

Additional  
Instructions  
to the Com-  
mittee in  
Scotland.

\* The Debate about the Remonstrance of the State of the Kingdom, in order to their possessing themselves of the Militia, was many Weeks before in the House, only this was a fair occasion for the attempt.



“ your to disturb the Peace of *Scotland*, and to infringe the Articles and  
“ the Treaty made betwixt the Two Kingdoms.

October;  
1641.

III.

“ You shall likewise inform the King, That whereas Orders have  
“ been given by his Majesty, with the Consent of Parliament, for the  
“ Disbanding the Garrisons of *Carlisle* and *Berwick*, the first where-  
“ of is already wholly disbanded, and all the Horse, and Eight Companies  
“ of Foot sent out of *Berwick*, and only Five Companies remaining, which  
“ likewise should have been disbanded at or before the 15<sup>th</sup> of this Month,  
“ if they had not been stayed by his Majesties Command signified to  
“ Sir *Michael Ernley* Lieutenant Governor, according to direction in  
“ that behalf: and whereas by Order of Parliament Ships have been sent  
“ for the Transporting his Majesties Munition, Ordnance and other Pro-  
“ visions in that Town and the *Holy Island*, all which have been of very  
“ great Charge to the Commonwealth, the Commons now Assembled in  
“ Parliament, have declared, That they intend to be at no further Charge  
“ for the longer stay and Entertainment of those Men, or for the De-  
“ murrage of the Ships, if by occasion of this direction they be kept  
“ out longer than was agreed upon.

Ordered, That Mr. Speaker do write a Letter to Mr. Secretary Vane,  
that in case the Committee of both Houses be come out of Scotland before  
the Letter and Instructions now to be sent can be delivered there unto  
them, that then he shall be desired by this House to present the same unto  
his Majesty.

This day upon the humble Request of the Bishop of *Rocheſter*, on his  
own behalf and the rest of the Bishops, which are impeached by the  
House of Commons before their Lordships concerning the late Canons,  
&c. It is Ordered, That Mr. Serjeant Jerman, Mr. Herne, Mr. Chute,  
and Mr. Hales, being publicly named in this House by the said Bishop,  
and approved of by the House, shall be assigned to be of Counsel with the  
Bishops that are impeached; With this Proviso nevertheless, That if any  
of the said Counsel shall upon just Cause desire to be Excused, here, and the  
House approve of the said Excuse, That then he or they shall not be com-  
pelled to be of the said Bishops Council as aforesaid.

Saturday,  
Octob. 23.  
Order for the  
Bishops im-  
peached to  
have Council.

The Commons being met, there was a Report made of certain  
Troopers, who had made a disturbance about a Tavern-Reckoning, and  
the Guard in the Pallace-Yard being called to quiet them, they fell  
upon them and cut the Drum; but being taken and committed to Cu-  
stody, and one of them saying in Bravado, That there were a thousand  
of them about the Town, who if they were there, would help them, and  
make the Pallace too hot for the Guards, they were Ordered to be sent  
to the Lords Bar to receive their Censure for this Misdemeanor.

But it struck such a fear into some of the Members of the Com-  
mons House, that they immediately Voted what they had so often de-  
nied the King, though his Word and Honor were engaged to the Span-  
ish Ambassador, to let him have some of the disbanded Troops; for it  
was

Resolved, &c. That the House is of Opinion, and holds fit, that Orders  
should be sent to the Officers of the several Ports, requiring them to permit  
all such Soldiers of the late disbanded Army, as shall desire it, to pass  
beyond

Votes to let the  
disbanded Sol-  
diers pass be-  
yond Sea.



October,  
1641.

beyond the Seas; provided, that they take such Oaths, and perform such other Duties as are usually required according to the Laws.

Resolved, &c. That this House is further of Opinion, and holds it fit, *That such other Soldiers of the late disbanded Army, as are Strangers, and not Subjects, or Natives of this Kingdom, shall have liberty to pass out of this Kingdom, and to receive Entertainment of any Forreign Prince.*

Sir Gilbert Gerrard carries up the Bill for disabling all Persons in Holy Orders, to exercise any temporal Jurisdiction or Authority, and acquainted the Lords, *That the House of Commons desired there might be all speed in the passing of it, for it much concerns the good of the Commonwealth.*

Thanks given  
to the L. General by the  
House of Lords.

The Lord General, the Earl of *Holland*, being now returned and having at a Conference given an Account of the disbanding of the Army, It was Ordered by the Lords, *That this House gives Thanks to the Earl of Holland, late Lord General of his Majesties Army in the North, for his Lordships great Care and Diligence in disbanding the said Army, so happily for the preservation of the Safety and Quiet of the Kingdom, which accordingly was done immediately by the Lord Keeper in the Name of the House.*

Proviso for  
Kings Chaplains Noblemen, &c. in  
the Bill against Pluralities.

Upon the reading of the Bill against *Pluralities* and *Non-Residence* after the debate of the House, these Lords Committees following were appointed to take into Consideration, the King's Chaplains, the Priviledges of Noblemen, and the Heads of Colledges in the two Universities, and also to consider of a *Proviso*, *That every Parson or Vicar, that lives from his Living, shall provide an able Curate to supply the Living, allowing him a Moiety thereof clear of all Charges, and the Parson to Nominate the Curate, with the Consent of the Patron.* Committed to the Lord Privy Seal, Marquis of *Hartford*, Lord Admiral, Lord Chamberlain, E. *Southampton*, &c. Lord Chief Justice of the Common-Pleas, Mr. Justice *Heath*, Mr. Justice *Mallet* Assistants, their Lordships, or any Seven of them, to meet at Nine a Clock to Morrow Morning in the Painted Chamber.

Monday,  
October 25.  
Order to provide Match & Bullets for the Guard.  
A Plot against Mr. Pym.

Upon a Motion made by Mr. *Pym*, it was Ordered, *That the Burgesses of Westminster, and the Knights for Middlesex, shall take Care for the providing of Bullets and Match for the Soldiers, and a convenient Place for them to stand dry in.*

Mr. *Pym* declares, *That he received a Letter from a Porter, at the Door of the House, and upon the opening of it, a Plaister which came from a Wound, full of Corrupt Matter dropt out of it, and that the Letter contained many Menaces, and much railing against him. The Porter being examined, said, a Gentleman on Horse-back in a Gray Coat, gave him twelve Pence for the speedy delivery of it. What ever the Matter was, it made a mighty Noise both in the House, and out of the House, in the City and Country, for Mr. Pym was then one of the greatest Idols of the Faction. All the Art imaginable was used to find out the Author of this dangerous Attempt, to infect Mr. Pym with the Plague, but to no purpose, for many Persons believed it, to be only a Plot of his own inventing against himself. However one Mordant was taken upon Suspicion, and Examined, but there being no Proof against him he was acquitted.*

Tuesday,  
October 26.

Captain *Ven* brought in the Complaints of the Godly and Well-Affected Party, against Mr. *Hutton* Curate of *St. Giles Cripple-Gate*. For that



that on the Day of Thanksgiving, he would not suffer any one to Preach but himself.

2ly. That instead of Preaching in the Afternoon, he only read the Bishop of Lincoln's Prayer.

3. That he refused Mr. Sedgewick to preach there as Lecturer.

Whereupon it was Ordered, That Mr. Hutton Curate of Cripple-Gate, be taken into Custody for Contemptuous Speeches, against the Orders of the House.

The House then fell upon the debate of the Impeachment of the Thirteen Bishops, and great bandying of the Matter there was; for the difficulty was, by what Name this Heinous Offence of the Bishops should be called; and many of the Lawyers being in Westminster Hall, it was Ordered, That the Serjeant should immediately give Notice to all the Lawyers, and others in Westminster Hall, to attend the House.

Mr. Hollis thought fit that the Bishops should be charged with High Treason; but some of the most Eminent of the long Robe affirmed, they might as well Call it Adultery as Treason, and after all that could be said upon the Subject it was

Resolved upon the Question, That the Debate concerning the naming of the Crime of the Bishops in making the last New Canons, shall be at this time laid aside.

Resolved, &c. That no certain time shall be now appointed, for the further Debate of the Business concerning the Naming of the Crime in the Bishops, for the making of the last new Canons.

Mr. Pym Reports the Conference with the Lords, The Lord Keeper declared that he had received a Letter from his Majesty, wherein he signified, That though extraordinary Occasions had kept him there longer then he expected, so that he was forced not to be so good as his Promise and Intention, yet he did assure them, he would make all the hast back to them that he could.

The King's Letter was in these Words.

My Lord Keeper,

Since that by the Necessity of My Affairs, I am detained here so long, that I cannot be at the Down-Sitting of the Parliament, I have thought it fit by these Lines, to direct you to tell both Houses in My Name, that as this My long Absence, is beyond My Expectation, so it is against My Desire; and that I will make all the Dilligence, that the Weightiness of these Affairs will possibly permit to return, and so I rest

Edenborough the 20th  
of October 1641.

Your Assured Friend  
Charles R.

This day Sir Robert Berkley Knight, one of the Judges of the King's Bench, was brought as a Delinquent to the Bar of the Lords House, and the Lord Keeper told him, that he was now to hear the Impeachment of High-Treason brought up against him, from the House of Commons read, which being done

He gave their Lordships Humble Thanks for their Justice, in calling him to make his Answer, and acknowledged the Justice of the House of Com-

October,  
1641.

The Commons in great perplexity what name to give the Crime of the Bishops, for making the new Canons.

Conference about a Letter from the King.

The King's Letter to the L. Keeper.

Judge Berkley at the Bar of the Lords.



October,  
1641.

mons, that they have desired he might make his Answer to his Charge, and be Proceeded in according to Justice. And withal, he made it his earnest Request to their Lordships, that they would permit him a little time now to speak somewhat to the Particulars of his Charge, and having obtained Leave of the House so to do, he made a long Relation upon the particular Articles of his Impeachment, and concluded with this his Plea and Answer, *That he is not Guilty in Manner nor Form, as is laid against him in his Impeachment.*

After which he humbly presented to the House a Petition, desiring their Lordships to take their Particulars into Consideration.

Hereupon he withdrew, and his Petition was read in *hac verba*.

## To the Right Honorable the Lords Assembled in Parliament.

The Humble Petition of Sir Robert Berkley one of the Judges of his Majesties Court of Kings-Bench.

The Petition  
of Judge Berk-  
ley to the  
Lords, October  
26. 1641.

**Y**our Lordships having, as your Petitioner conceiveth, appointed Tuesday the next Week, being the second of November next for your Petitioners Tryal, he most humbly prayeth,

*That your Lordships will be pleased to grant unto him, your Lordships present Warrant for such Witnesses, as he shall have Cause to use at his Tryal.*

*That your Lordships will be pleased to admit, and if need be, to assign him Council, for his necessary Defence in Point of Law, which may happen upon the Matter of High Treason, of which he is impeached, and in Point of Law and Fact, upon the Matters of Misdemeanors, of which he is Impeached.*

*That for the few Daies, until the time of his Tryal, he may remain in the Custody of the Sheriff of London, where he hath remained a true Prisoner, for almost three Quarters of a Year, in whose House all his Collections and Papers are for his Defence.*

*And that he may have your Lordships License, to go with a Keeper to Serjeants-Inn, to look out some Papers which he hath there, and shall have Occasion to produce at his Tryal, as also, there to Confer and Advise with such Council as your Lordships shall please to admit, or Assign unto him.*

And your Petitioner according to his bounden Duty shall always pray, for the continuance of your Lordships Honor and Happiness, &c.

The Names of such Council, as your Petitioner most humbly desires are, The Princes Attorney, Mr. Recorder of London, Mr. Herne, Mr. Thorp, Mr. Fountain, Mr. Bierley, Mr. Lightfoot, Mr. Brome.

Subscribed, Robert Berkley.

The Bishops  
withdraw be-  
ing a mixt  
Charge.

Before the House resolved of any Answer herein, the House was Adjourned into a Committee, to consider whether the Bishops should not withdraw, during the Agitation of this Business, it being a mixt Charge of Treason, as well as Misdemeanor, after a long Debate the House



House was resumed, and it was agreed, *That the Matter of Treason should be first Ordered, at which the Bishops are to withdraw, and when the Matter of Misdemeanor come into Agitation, they are to come into this House again to their Places.*

October,  
1641.

Hereupon the Bishops withdrew themselves, and after a long Debate it was Ordered, *That Mr. Justice Berkley shall have a Warrant for to bring such Witnesses, as he shall have Occasion for, to testifie for him at his Trial in Matters of Misdemeanors, but not in Matters of Treason.*

Then the Lords the Bishops were called in, and the Lord Keeper declaring unto them the Sense of this Order, they gave their Consents thereunto.

And further it was Ordered, *That the Princes Attorney, Mr. Recorder of London, Mr. Herne, Mr. Bierly, Mr. Thorp, shall be assigned of Council, for Mr. Justice Berkley in Point of Law, which may happen upon the Matter of Treason, and in Point of Law and Fact upon the Matters of Misdemeanor at his Trial the second of November next.*

*And that the said Justice Berkley shall still remain in the Custody of George Clerk Esquire, one of the Sheriffs of the City of London, where he is now, and that he have Liberty to go to Serjeants Inn in Fleet-Street one Day when he shall think good, with his Keeper, to look out some Papers which he hath there, and shall have Occasion to use at his Tryal.*

Then Mr. Justice Berkley was called in, and the Lord Keeper pronounced the aforesaid Order to him, for which he gave their Lordships most humble Thanks.

Mr. Warwick Reports, *That there were Directions given from his Majesty, for the drawing up of Five Conge d'Esquires for the making of Five New Bishops, viz. Dr. Prideaux, Dr. Brownrick, Dr. Holdsworth, Dr. Winniff and Doctor King. Upon which Mr. Strode moves the House to send up a Message to the Lords to desire them to joyn in Petitioning his Majesty for the staying the making of these new Bishops, till the Charge against the other Bishops was dispatched.*

Five Conge de  
Esquires for  
new Bishops  
to be petition-  
ed to be  
stayed.

This day Information was given into the House of Lords, that since the Act for bounding the Forrest, many Riots were committed upon the occasion of killing of Deer, pretending they were not within the Bounds of the Forrest, and that in Oxfordshire in one of those Fraies a Keeper was killed.

It was also moved that the Bill for disabling Persons in Holy Orders from exercising Temporal Jurisdiction, might not be read at present, it having been voted against, as to the Substance in a former Bill this Sessions; but it was Ordered to be read a second time to morrow Morning peremptorily.

Mr. Pym Reports the Reasons for Excluding the Thirteen Bishops, in Order to the delivering them at a Conference with the Lords, and desires that Mr Solicitor may have the manning of the Business. On the other Side Mr. Solicitor excused himself, and desired that Mr. Pym might manage it, whereupon it was, to end the Contest Ordered, *That Mr. Pym and Mr. Solicitor should have the manning of the whole Business concerning the Bishops; and accordingly they did so, at a Conference with the Lords upon this Subject.*

Wednesday,  
October 27,



October,  
1641.

Mr. Pym's  
Speech at the  
Conference a-  
bout Exclu-  
ding the Bi-  
shops from  
Voting in the  
Case of the 13  
Bishops im-  
peached, Oct.  
27. 1641.

The Lord Privy Seal Reported the Conference yesterday with the House of Commons concerning Bishops, viz.

" Mr. Pym declared from the House of Commons, That there is no-  
" thing of greater importance to the safety and good of the Kingdom,  
" then that this High Court of Parliament, which is the Fountain of  
" Justice and Government, should be kept pure and uncorrupted, from  
" Corruption, free from Partiality and by-respects; this will not only  
" add Lustre and Reputation, but Strength and Authority to all our  
" Actions: Herein, *he said*, your Lordships are specially interessed, as  
" you are a Third Estate by Inheritance and Birth-right; so the Com-  
" mons are publickly interessed by Representation of the whole Bo-  
" dy of the Commons of this Kingdom, whose Lives, Fortunes and  
" Liberties are deposited under the Custody and Trust of the Parlia-  
" ment.

He said, " The Commons have commanded him, and his Colleague  
" Mr. Solicitor General, to present to your Lordships two Propositions,  
" which they thought very necessary to be observed and put in Execu-  
" tion at this time.

1. " That the 13 Bishops which stand accused before your Lordships  
" for making the late pretended Canons and Constitutions, may be Ex-  
" cluded from their Votes in Parliament.

2. " That all the Bishops may be suspended from their Votes upon  
" that Bill intituled, *An Act to disable all Persons in Holy Orders to*  
" *exercise any Jurisdiction or Authority Temporal.*

" The first of these is committed to his Charge, and he said he was  
" commanded to support it with three Reasons.

First, " That the 13 Bishops have broken that Trust to which every  
" Member of Parliament is obliged, which Trust is to maintain,

- (1.) " The Prerogative of the King.
- (2.) " The Priviledge of Parliaments.
- (3.) " The Propriety of the Subject.
- (4.) " The Peace of the Kingdom.

" And this Trust they have broken, not by one Transient Act, but  
" by setting up Canons in Nature of Laws, to bind the Kingdom for  
" ever.

" That the Canons are of this Nature appears by the Votes of both  
" Houses, and that they were all Parties to the making thereof, appears  
" by the Acts of that Synod. The Book it self the Commons cannot  
" tender to your Lordships, because they sent for it, but he that hath  
" the Book in Custody was out of Town, but a Member of their own  
" House upon View of it, is ready to Depose, that their Names were  
" Entred among those that did subscribe to it.

" Wherefore the House of Commons desire your Lordships in the first  
" place to consider, whether they that take to themselves a Legislative  
" Power, destructive to Parliaments, be fit to exercise that Power of ma-  
" king Laws, which only belongs to the Parliament.

" Secondly, Whether it be safe for the Common-Wealth, that they  
" should be trusted with making Laws, who as much as in them lay,  
" have endeavoured to deprive the Subject of these good Laws which  
" are already made.

" A third Reason is this, That they stand Accused of Crimes very hai-  
" nous, That is of Sedition: Secondly, of Subversion of the Laws of the  
" Kingdom;



“ Kingdom ; this will easily appear in the Nature of the Canons themselves, as also by the Votes to which your Lordships and the Commons have already agreed.

October,  
1641.

Here the Votes of both Houses were read, by Mr. Goodwin.

For the second Proposition, he said, “ That should be handled by one that will do it with more advantage of Reason and Learning then he could do, therefore he would leave it to him.

Then Mr. Solicitor General informed their Lordships, “ That the Excluding of the Bishops from Votes in Parliament was not of so general Consequence, as that by it the whole Clergy of *England* was Excluded.

Mr. Solicitor  
St. John's  
Speech at a  
Conference about  
Excluding the  
Bishops Votes.

1. His first Reason offered was this, “ That the Bishops did not Vote for the whole Clergy ; for that if it should be so, then the Clergy of *England* should be twice represented, and twice Voted for in Parliament.

“ This appears by all the Ancient Writs of Summons, which till of late were to this effect ; A Writ of Summons went to the Bishop commanding him, *Summonire* all the Clergy of his Diocese to appear by Proxies of their own chusing : What to do ? *Ad consentiendum iis quæ de Communi Concilio Regni ordinari Contigerit.* So that if the Bishops do represent the Clergy, then the Clergy are twice represented, both by the Proctors, and again by the Bishops. Now although the Form of the Writs be altered, yet the Reason holds, and still Remains.

2. “ If they Vote for the Clergy, then they are to be Elected by the Clergy, as the Members of the Commons House now are ; but your Lordships voting only for your selves, need no Election.

3. “ If they Voted for the Clergy as a third Estate, then would follow that no Act of Parliament could be good, where they did Dissent : but many Acts of Parliament are passed, where all the Clergy Dissented : And the last, he said, that came to his memory is the Statute of 1 *Eliz.* Establishing the Book of Common-Prayer, to which all the Bishops did Dissent. \* The Entry in the Roll is, *Dissentientibus Episcopis*, and yet the Statute holden for a good Law to this Day. This was offered to shew, That it might not be conceived, that the denying the Bishops to have Votes in this Bill now before your Lordships, was of such general Influence as to take from the Clergy any Interest or Priviledges that formerly belonged to them.

\* There is nothing plainer from this Entry, then that the Bishops did Vote ; for else how could they be entered to dissent, and yet he brings it for a precedent to prove they ought not.

(2.) In the second place, he said, “ He was to present the sence of the whole House of Commons to your Lordships, That the Prelates have not so absolute a Right of Peerage for voting in Parliament, as the Temporal Lords have out of Parliament : This appears by that of highest Consequence, that they are not tryable by their Peers for their Lives, but by an ordinary Jury. In Parliament they have no Vote in Judgment of Blood, Life, or Member, but if their Peerage were so inherent in them as it is in the Temporal Peers, no Ecclesiastical Canons could take it from them : Besides, in point of Right it hath been Resolved by all the Judges of *England*, 7 *H. 8.* in *Kellaway's* Reports, That the King may hold his Parliament by the Lords Temporal and Commons without calling of the Bishops ; and that  
“ upon



October,  
1641.

\* Ergo they did Vote and were not Excluded from that Right of their Peerage even in their own Case.

\* This is *gratis dictum* not proved at all by the Roll.

\* Ergo the other did dissent.

“ upon several Occasions, especially concerning the Pope, or themselves, the Bishops have been excluded, and their Votes not admitted herein. He said, He was commanded to offer some Presidents to your Lordships upon the sudden.

“ In the Parliament 25 of E. 1. The Bishops refusing to joyn with the Lords and Commons, in granting of Subsidies for the good of the Kingdom, this was holden at *Bury*, & *Excluso Clero*, many Acts were then made never since questioned. 35 E. 1. The Statute of *Carlisle*, divers Petitions there exhibited by the Commons concerning the Prelates, and Lords Abbots, for oppressing the poor Clergy, several Acts were made for their Relief: but by whom? By the King, Earls, Barons and other Nobles, and the Commons only: Now in respect the several Ranks of the Nobility are named, \* they did not consent, because that in all other Acts, where they do consent, they are particularly named; and if it be objected, that they might be there and might give a Negative, and therefore were not named among them that did consent; it appears, that *Habito tractatu cum Comitibus, Baronibus, & cæteris Communitatibus*, the King did Enact those things, \* and never called the Bishops to the Debate: this appears in the Parliament Book.

“ 20 E. 3. Parliament Roll N. 33. The Commons Petition that no allowance be made to the Cardinals that had been in France for Treating of Peace: In the Roll it is thus Entred, \* *Affented unto as reasonable by the Dukes, Earls, Barons and other the Lay Gents*, without ever naming the Bishops; now the word, *others Lay Gents*, shews the Bishops were none of the number that Voted in that Law.

“ Secondly it was to be noted, That in Acts where the particular Ranks are set down, none of the Temporal Ranks have ever been omitted, and if the Spirituality had voted, they should have been named, though in Vote they had dissented.

“ *Eodem Anno Num. 35 ad Num. 38*. There being two other several Acts made upon Petitions of the Commons, the one made against Provisions for some Cardinals, and the other to restrain the carrying of Mony to Rome, the Answer is made as before, by the Dukes, Earls, Barons and Commonalty, never mentioning the Lords Spiritual.

“ 3 R. 2. Cap. 3. & 7 R. 2. Cap. 3. There are in Print, Acts made by the King and Lords Temporal only, without the Lords Spiritual: The Statute of 7 R. 2. reciting the former Statute of 3 R. 2. which said our Lord the King by the Advice and common Assent of all the Lords Temporal, and Commons being in this Parliament Assembled, hath ordained *ut sequitur* in the Act. And these Acts made by the King, the Lords Temporal and Commons only, were upon the Clamorous complaints of the Commons, about the giving of the Benefices of England to strangers, and others who never were Resident upon the Benefices.

This Report being made, the House took the same into Consideration, and for the better debate of the Propositions, the House was adjourned into a Committee during pleasure. And the Question was

*Whether those Thirteen Bishops that stood Impeached of those Crimes by the House of Commons, shall be suspended from their Votes in this House, until they stand Recti in Curia.*

After



After a long debate herein, the House was resumed, and it is Ordered, *That the further Consideration of the Propositions which came from the House of Commons, and the Bill entituled, an Act for disabling Persons in Holy Orders to Exercise any Temporal Jurisdiction shall be both deferred until the Tenth day of November next.*

October,  
1641.

A Message was brought from the House of Commons by *Arthur Goodwin Esquire*, to let their Lordships know, *That whereas at a Conference Yesterday touching the Bishops, which were Impeached for making of Canons, the House of Commons did tell their Lordships, That they had a Witness a Member of their House, Mr. Wheeler, to prove that the said Bishops did Subscribe to those Canons, he having seen the Register Book, with their Names written with their own Hands, all which he is now ready upon Oath to prove, if their Lordships shall rest herein satisfied, the Register Book being in a House, which is visited with the Plague.*

The Reader will see by these Arguments of *Mr. Solicitor St. John*, the utmost Strength of the Reason, which they had to exclude the Bishops from their Votes and Peerage.

Now in regard the same thing has been again moved, and the Arguments revived by the Successors of the same Faction, who still retain the old Principles and Kindness to the Lords the Bishops, looking upon them, as a kind of Supernumeraries in the House of Lords, who may well be spared, and not, as in reality they are, a third Estate; to stop the Progress so far as I am able of such an Error, dangerous to the very being, and Fundamental Constitution of our Parliaments, I here present the Reader with a short Abstract out of the Learned Piece writ upon this Subject, Entituled, *The Grand Question concerning the Bishops Right to Vote in Parliament in Cases Capital, Stated and Argued, &c.*

I confess I have not followed the Author's Method, nor was it possible to do it, without great Inconvenience, his Book being an Answer to some Papers writ against the Peerage and Jurisdiction of Bishops, &c. But I hope I have not done him, or the Subject any Injustice, by making use of the Matter, and accommodating it more to my purpose, which is among such Infinite Plenty and Variety of Matter, to study all the conciseness and brevity I can.

I have therefore reduced the Subject to these four Heads.

First, That the Bishops are *Pares Regni*, Peers of the Realm, and Peers in Parliament.

Secondly, That they have a Right to Sit and Vote in Parliament in all Causes whatsoever, even in *Causa Sanguinis* in Capital Cases.

Thirdly, That the Lords Spiritual, the Bishops, are a third Estate in Parliament.

Fourthly, To answer such Objections as have been made against their Peerage and Jurisdiction. Which Abstract follows.

**F**irst Position, That the Bishops are *Pares Regni*, Peers of the Realm, and Peers in Parliament.

The Author Learnedly proves, That as soon as ever Christianity was settled in these Northern Nations, Bishops were admitted into all publick Councils and Courts of Judicature.

So he instances in *France*, from the Testimony of *Marculphus*, That the King Sate in Judgment, *una cum Dominis, & Patribus nostris Episcopis*, together with the Lords and Fathers the Bishops, and that the greater Causes were heard by the

An Abstract  
of the Grand  
Question a-  
bout the Peer-  
age and Ju-  
risdiction of  
the Bishops in  
Parliament.  
*Marculph.*  
*Form. lib. 1. c.*  
25.



October,  
1641.

Concil. Tolet. 4.  
c. 75. s. c. 7.  
6. c. 17. *Opasim*  
albi.

Goldastus Rev.  
Alem. An. To. 2.

Arumæus de  
Comitiis n. 35.  
c. 4. n. 98.

Goldast. Bohem.  
lib. 5. cap. 1.

Decret. Ladisl.  
p. 12.

Staravols. Po-  
lou. p. 263.  
Herbart Stat.  
Regni Pol. p.  
262.

Adam Brem. de  
Situ Dan. n. 85.  
Lotten. Antiq.  
Sueco-goth. c. 8.  
Jus aulicum  
Norvey. c. 3. c.  
36.

Rot. 55. 56. 21.  
R. 2.

the King himself, or the *Comes Palatii Episcopis & proceribus Assidentibus*, the Bishops and Nobility being Assessors with him.

In Spain, during the *Gothick* Race of Kings, the greatest Affairs of State were managed by the greatest of the Clergy and Nobility, as appears by the several Councils of *Toledo*; and particularly in the 13 Council, *Cap. 2.* A case of Impeachment of Treason, was brought before them. And yet from one of these Councils of *Toledo*, it is, that all the Dust hath been raised, and the Canon Law objected, urged against Bishops, That they ought not to be present or concerned in Cases of Blood.

In Germany, the first Laws that were published by *Lotharius*, were composed, 33 Bishops, 34 Dukes, 72 Counts, besides the People being present and assisting; and *Arumæus* a Protestant Lawyer informs us, that the Bishops of Germany sate in the Diet in a double Capacity, as Bishops and Princes of the Empire, which Constitution he applauds as prudent for the Administration of Justice, Honourable and safe for Religion.

In Bohemia, the same *Goldastus*, a Protestant too acquaints us, that there were three Estates, Prelates, Nobles and Commons, till the time of *Sigismund*.

In Hungary, so soon as ever the Christian Religion prevailed and was settled, the Laws were framed by the King, with the Advice and Consent of Bishops, Nobles, and the whole Clergy and People.

In Poland, the Constitution of the Government is composed of the Bishops, Barons, and Delegates, who are called *Nuncii terrestres*, who are Summoned to the Dyet by the King; and that with the entrance of Christianity as the publick Religion, the Bishops entred into the Senate and had the first Seat in that Court.

In Norway, Denmark and Sweden, the same Constitution entred with the prevalency of Christian Religion. viz. Bishops, Nobles, Knights and Deputies.

In England, after the Conversion of the Saxons, during the whole time of that Monarchy, there is not in all our Records one Council wherein the Bishops had not a part.

From whence the Author strongly Argues, that it would be a very unaccountable thing, that we of all the Nations of the Christian World, who profess to have the best Government and the best Reformed Religion, should Exclude those from any share in that Government, who were by all others admitted into it as soon as they admitted the Christian Religion to be the publick Profession of their Country.

That the Bishops since the coming in of the *Norman* Race were always Esteemed Peers of the Realm, and Peers of Parliaments; He brings several undeniable Presidents and Instances.

In the 21 of R. 2. a Repeal of a former Sentence against the *Spencers* being Petitioned for in Parliament, these Errors were assigned. Because the Prelats, Who are Peers of the Realm, did not Assent to the Judgment; and because it was made only by the Earls and Barons, Peers of the Realm, &c. And because it was made against the Great Charter of England, in which it is contained that no man shall be exiled or destroyed, but by the Lawful Judgment of his Peers, or by the Law of the Land. By which it appears that the Judgment of that Parliament was, That it was a Breach of the *Magna Charta* for the Temporal Lords to condemn a Peer, without the Assent of the Bishops, who are expressly declared to be Peers of the Realm. Rot. 55. To be Peers in Parliament, Rot. 56. and to be Peers of the Realm in Parliament, Rot. 61. And all this too in the Case of Treason; which is as a full Declaration of their Peerage as it is possible to make.

To the Second Position, That they have a Right to Sit and Vote in Parliament in all Causes whatsoever, even in *Causa Sanguinis*, in Capital Cases: which he proves by Reason and Presidents.

That by the *Magna Charta*, a Law of the Highest value, Confirmed by Thirty Acts of Parliament, and with the most Solemn and dreadful Imprecations, upon whosoever of them or their Posterity should go about to violate it in any particular, the Bishops have an equal Right with the Temporal Lords.

That they Sit in Parliament by the virtue of the same Writs of Summons, that the



the other Barons do ; they are Summoned to Advise and Debate about the great and difficult Affairs of the Kingdom ; *cum Prelatis, Magnatibus, & Proceribus dicti Regni nostri Anglia, colloquium habere & tractatum.* Of all things indefinitely that shall be brought before them in that High and Honourable Court, the Supream Judicature of the Nation : and that there cannot be any Instance produced of a Writ of Summons, with a Limitation or Restriction upon the Bishops, excluding them from any matter of Debate, Consultation, Vote, or Judicature belonging to the House of Lords : The Temporal Barons also are Summoned indefinitely to Debate, Handle and Consult with the Prelats in all things there to be done, which would be impossible, if in some of the most Important matters in point of Judicature, the Lords the Bishops must be Totally Excluded.

That though the Constitution of *Clarendon* be urged as designed for a Limitation of the Bishops exercising Jurisdiction in the Case of Life or Mutilation of Members, yet it is evident both from the Words and the occasion of that Law that they ought to be present, for that this Constitution of *Clarendon* was made perfectly to oblige the Bishops to serve the King in the Capacity of their Temporal Baronies, *sicut ceteri Barones*, the Tenure being the same, *Et sicut Barones ceteri debent interesse Judiciis Curiae Regis, cum Baronibus usque perveniatur in Judicio ad diminutionem Membrorum vel ad mortem*, the plain Sense of which words is, that they ought to be present, not only till such Causes of Life or Limb, came before the rest of the Lords, but at all preliminary Debates ; *usque perveniatur*, not *ad Judicium*, but *in Judicio*, which supposes a Trial preceding, till the Sentence came to be pronounced.

Now the occasion of this was, the Papacy was then erecting their fifth Monarchy, and endeavouring to set up an Independent Jurisdiction of the Church in all Kingdoms, which the Kings very well perceiving were resolved to oppose, and therefore to oblige them to this Service by vertue of the Tenures of their Temporal Baronies ; And this giving them a Concession to withdraw when the Sentence was pronounced, was a particular favour of the King.

*Thomas Becket*, a great Saint and Martyr in the *Roman* Calendar, stoutly opposed this as an inchoachment upon the Liberties of the Church, and indeed the Bishops who had all along the *Saxon* Government sate in the great Councils, by virtue of their Spiritual Capacity there being then no Temporal Baronies, they thought the Conquerors imposing this Tenure upon their Estates, a very hard Servitude and Badge of Slavery to the Secular Power ; but that notwithstanding their Reluctancy, this *Salvo*, seemed a little to qualify the matter, so that they did Vote in such Cases till the Sentence came to be pronounced, appears from *Petrus Blefensis*, who taxes them of Collusion for submitting to this Constitution of *Clarendon*, *Principes sacerdotum*, saith he, *& Seniores Populi, licet non dicunt Judicia Sanguinis, eadem tamen tractant, disputando & disceptando de illis ; seque ideo immunes à Culpa reputant, quod Mortis aut truncationis membrorum judicium decernentes, à pronuntiatione duntaxat, & Executione Penalís Sententiæ se abstinent.*

Although, saith he, they do not give Judgment in Cases of Blood, yet do they handle, treat, and debate about them, and think themselves innocent, because in the determinations of Cases of Life and Limb, they absent themselves at the pronouncing, or execution of the Penal Sentence.

This Statute of *Clarendon* was made in *February*, and in the *October* following the King Summons a Parliament to *Northampton*, in which *Becket* was for opposing this Constitution, wasting the Kings Treasure and other Crimes, accused of Treason, in the Debate whereof the Bishops Sate with the other Barons, and because the matter did not come to a Sentence of Death, after great Debate between the other Lords & the Bishops about pronouncing the Sentence, the Bishop of *Winchester* did it. But *Becket* making an Appeal to the Pope, the Bishops being afraid of him they endeavoured to persuade the King to desist his further prosecution, till that matter was determined : But the King being resolute, pressed them to their Duty notwithstanding *Becket's* Prohibition to them, to the contrary, from the obligation of the Statute of *Clarendon* to which they had Sworn, *Afferens, quod non teneat hac ejus simplex Prohibitio, contra hoc quod Clarendonia factum & initium fuerat*, affirming that this single Prohibition of *Becket's*, could not bind

October,  
1641:

Pet. Blefen. de  
Inst. Epic. p.  
454.

Fitz. Steph.  
vit. Tho. Bec-  
ket de Concil.  
apud Claren-  
don Mss. in  
Bibliotheca  
Cottoniana.



October,  
1641.

them against what was done and agreed to at *Clarendon*. From all which it is plain that in fact the Bishops did Debate and Vote in a Capital Case, and were obliged by this Statute so to do, and it was a Favour indulged them to be absent at the giving of the final Judgment or Sentence of Death, or loss of Limbs.

Rot. Par. n.  
17. 5. H. 4.

In the 5. H. 4. The Earl of *Northumberland* was in Parliament, Impeached of Treason, and after Examination of the whole matter, he clearly acquitted himself of the charge, upon which, it is said in the Record, *Et auxi mesmes les Communes remercierment les seigneurs Espirituelx & Temporelx de leur bon & droiturell Jugment, quilz auoint fait come Piers du Parlement*. That the said Commons returned thanks to the Lords Temporal and Spiritual, for the good and upright Judgment which they had made as Peers of Parliament.

Rot. Par. n. 9.  
2 H. 6.

In the 2 of H. 6. John Lord Talbot accused James Boteler Earl of Ormond, in Parliament, of sundry Treasons, and the Record saith, That *De arisamento & assensu Dominorum Spiritualium & Temporalium, ac Communitatis Regni Anglie in eodem Parlamento existent facta fuit quedam Abolitio delationis, nunciatoris & Detectionis predict' &c.* By the advice and consent of the Lords Spiritual and Temporal, and the Commons of *England*, there was made a certain abolition of the said Accusation, Relation and Discovery.

From which Presidents it is evident that the Lords the Bishops did Sit and Debate, Vote and Determin, in Causes Capital as well as the other Temporal Lords.

The third Position is, that they are a third Estate in Parliament. Which is proved both by undeniable Reason and undoubted Presidents and Records.

That there are three Estates in the Parliament of *England*, is a matter on all hands allowed; But some Persons who would bring down the Sovereignty to a Coordinacy, do affirm that the King is the third Estate, the Lords making one, and the Commons the other; which dangerous Position, as it doth submit the Monarchy to great hazzards, so it gave occasion and colour to the taking away of the Peerage of the Bishops, the third Estate notwithstanding their Exclusion, being according to this principle left as Intire in the Lords House, as it was upon the Exclusion of the Lord Abbots in the time of King *Henry* the Eighth.

Now that the King is not one of the three Estates, and consequently that the Lords the Bishops must be so, and were ever accounted so, evidently appears by the Records of our Parliaments, which are cited to this purpose as follows.

In the Parliament of 1. H. 4. By the Roll it appears, that King *Richard* the Second, appointed two Procurators to declare his Resignation of the Crown *coram omnibus Statibus Regni*, before all the States of the Realm; and one of the Articles against him was concerning his Impeachment of *Thomas* Arch-Bishop of *Canterbury*, *coram Rege, & omnibus Statibus Regni*, before the King, and all the Estates of the Realm. And who all these Estates of the Realm were, it most fully appears in that the Commissioners for the Sentence of this unfortunate Kings deposition are said to be appointed, *Per Pares & Proceres Regni Anglia Spirituales & Temporales, & ejusdem Regni Communitates, omnes status ejusdem Regni representantes*. By the Peers and Nobility of the Kingdom of *England*, Spiritual and Temporal, and the Commons of the same, representing all the Estates of the said Realm. So that First the Bishops are declared Peers of the Realm in Parliament. Secondly, The Estates of the Parliament are to represent all the Estates of the Kingdom, Clergy, Nobility and Commons. Thirdly, The three Estates in Parliament are the Lords Spiritual, the Lords Temporal, and the Commons of the Realm.

Rot. Parl. 1.  
R. 3.

In the Roll of Parliament, 1. R. 3. it is Recorded, That whereas before his Coronation, certain Articles were delivered unto him in the name of the three Estates of the Realm, that is to say, of the Lords Spiritual, Lords Temporal, and of the Commons by name, &c. Now forasmuch as neither the said three Estates, neither the said Persons, which in their name presented and delivered (as it is aforesaid) the said Roll unto our Sovereign Lord the King, were Assembled in Form of Parliament, divers doubts have been moved, &c. Now by the said three Estates Assembled in this present Parliament, and by Authority of the same, be ratified and Enrolled, &c. Upon which Record, Mr. *Prinn* himself



himself makes this Marginal Note, The three Estates must concur to make a Parliament, no one or two of them being a full or Real Parliament, but all conjoynd.

In the 3. H. 6. it is said in the Record, the three Estates Assembled in this present Parliament. In the Explanation of the Duke of Bedford's Power as Protector. It is said, it was advised and appointed by the Authority of the King, Assenting the three Estates of this Realm, so that it is plain that the King was not then accounted one of them.

In the 11. H. 6. The Duke of Bedford appeared in Parliament, and declared the Reason of his coming, *coram Domino Rege & tribus Statibus Regni*, before the King and the three Estates of the Realm. N. 11. *Domino Rege & tribus Regni Statibus in presenti Parlamento Existentibus*, Our Lord the King, and the three Estates in Parliament being present, where the King is plainly distinct from the three Estates.

11. H. 6. N. 2. The Lord Cromwell Lord Treasurer Exhibits a Petition in Parliament, wherein he saith, that the Estate and necessity of the King and of the Realm have been notified to the three Estates of the Land, Assembled in Parliament.

In the Appendix to the Rolls of Parliament that Year, the Duke of Bedford saith in his Petition to the King, How that in your last Parliament yit lyked your Hyghness by yaduis of three Estates of yis Land to will me &c.

23. H. 6. N. 11. *Presente Domino Rege, & tribus Statibus in presenti Parlamento Existentibus* &c. Our Lord the King being present and the three Estates in the present Parliament Assembled.

28. H. 6. N. 9. *Domino Rege, & tribus Regni Statibus in pleno Parlamento comparentibus*, &c. Our Lord the King and the three Estates in full Parliament appearing, &c.

1. H. 6. The Queen Dowager in her Petition mentioning the Ratification made in Parliament, 9. H. 5. saith it was not only sworn by the King, but by the three Estates of the Kingdom of England, *Cest assavoir, Les Prelatz Nobles & Grands & per les Comuns de mesm le Royalm Dengleterre*. That is to say, by the Prelats, Nobles and Great Men, and by the Commons of the said Realm of England.

And since the Reformation, In the 8 of Eliz. 1. The Bishops are in Parliament called one of the greatest States of this Realm.

From all which Instances it plainly appears. First, That there are three Estates in the Fundamental Constitution of every Parliament. Secondly, That there are three Estates besides the King, and consequently that he cannot be one of the three. Thirdly, that the Lords Spiritual the Bishops, are a Third Estate of the Realm in Parliament. *Quod erat probandum.*

It remains now to answer some Objections which are made against these Positions. And First, a Canon which they urge was made at Westminster by Richard Arch-Bishop of Canterbury, that Persons in Holy-Orders should not *agitate Judicium sanguinis*.

To which it is Answered, That this is part of one of the Canons of Toledo, which never were any part of the Common or Statute Law of this Land; even in times of Popery, much less obliging now since the Reformation, but however the very Canon it self is perverted, for the Prohibition explains it self, *unde prohibemus, ne aut per se Membrorum truncationes faciant aut inferendas Judicent*, they were prohibited personally to be the Executioners in dismembring, or to pronounce the Judgment or Sentence in Cases of that Nature. Two Offices of which neither the Lords the Bishops, nor the most inferior of the Clergy will at this time contend for, or be ambitious of.

It is Objected, Secondly, that in the 11. of Richard the Second, the Bishops in Cases of Blood, entred a Solemn Protestation, in Parliament, which was Assented to by the King, the Lords Temporal and Commons with these words, *Non licet nobis aut alicui eorum, juxta Sacrorum Canonum instituta, quomodolibet interesse*. That according to the Canon Law, it was not lawful for them or any of them in any manner to be present.

October,  
1641.

Prinn Abridg-  
ments of Re-  
cords, p. 710.  
714.

Rot. Par. 3. H.  
6. n. 19.  
6. H. 6. n. 24.

11. H. 6. n. 10.  
and n. 2. n. 2.

23. H. 6. n. 11.

28. H. 6. n. 9.

1. H. 6.

8. Eliz. 1.

Object. 1.

Object. 2.



October,  
1641.

To this it is answered, That the Protestation saith, as Peers they had Right, as, *per Baroniam de Domino Rege tenentes, in Parliamentis Regis quibuscunque personaliter interesse, cum ceteris Paribus, & aliis, de Regni negotiis consulere, Tractare, Ordinare, Statuere, & definire ac cetera facere quae Parliamenti tempore ibidem imminent facienda*, holding of our Lord the King by Baronage, to be personally present in all Parliaments of the King, together with the rest of the Barons and others, to Consult, Treat, Order, Appoint and Determin of the Affairs of the Kingdom, and to do all other things which in the time of Parliament were there to be done. And it is plain the King, Temporal Barons and Commons allowed they had this Right. But it being a troublesome time, the Kings Ministers being to be Impeached in that Parliament, which was called *Parliamentum sine Misericordia*, because the King gave up all his Court Ministers to be Sacrificed to the Animosities of the Potent Faction of the Lords, binding himself not to pardon any without their consent, the Bishops were willing to get out of harms way, and therefore pleaded the Canons in excuse. And possibly both sides might have their several ends in consenting to this protestation, the King, that so he might call in Question the Acts done without them, as it happened 21. R. 2. when all done in this Parliament, was Repealed and made void for this Reason: the Lords, might consent to the Bishops withdrawing, that so their Affairs might proceed without opposition against the Kings Ministers. But however as before these Canons being not the Law of the Land, neither then nor now could be no real Barr to their Right. Nor did they upon other occasions think them so, as appears by several Instances beforementioned upon the second Position.

Object. 3.

It is Objected in the third place, That there was a Parliament held 25 E. 1. at St. Edmonds-Bury, *Excluso clero*. And notwithstanding many good Laws were there made; and that upon this Case in *Kelway's Reports*, it is said to be the Opinion of the Judges, that the King may hold his Parliament without the Bishops.

To this it is answered, First, That it is but one single Instance, and an Extraordinary Case, and that it is not only ill, but dangerous arguing and concluding universally from one single president, for if a Parliament may be good without one Estate, why not without another? and according to their Position who make the King, Lords and Commons the three Estates, any one of the three may be Excluded upon the same reason. Secondly, The Bishops in this Parliament were not Excluded by the King and the other two Estates, but by their own voluntary action. And the occasion of it was a Bull of Pope *Boniface* the 8. prohibiting the Clergy to give any more Subsidies, which whatever Influence it had then, can have none upon the Bishops since the Reformation.

And whereas it is said many good Laws were made in that Parliament never since questioned, it is evident by the Rolls that all that was done in that Parliament was the granting of a 12th. by the Laity to the King.

As for *Kelway's* reason in his Reports that they might be excluded, because they have no places in Parliament by reason of their Spirituality, but only by reason of their Temporal Baronies, it will hold as well against the other Barons. And that this is but one President of a Parliament without Bishops, against a Multitude of others, wherein they were present. *Et consuetudo Parliamenti est Lex Parliamenti*, and that Law is the Law of the Land.

Object. 4.

It is Objected, That if they were a distinct Estate, they would have a distinct Negative. I think the best answer to this is the former, that *Consuetudo Parliamenti est lex Parliamenti*, and though former Parliaments have ever owned them a distinct Estate, yet as the Author observes, they sit there now not in their Spiritual Capacity, as formerly in the *Saxon* times before Baronies, but in their Temporal Capacities as Barons by Tenures, and they have ever Voted in Common with the other Lords, according to Custom of Parliament, which is the Law of Parliament.

Object. 5.

In the last place it is Objected, if they were Peers of the Realm, they would according



according to *Magna Charta* be tried by their Peers, but they are in Capital Cafes tried by Juries of the Commons.

To this it is answered, First, That they have challenged and had this Priviledg in Parliament. So *John Stratford* Arch-Bishop of *Canterbury*, *tanquam major par Regni post Regem, & vocem primam in Parlamento habere debens*, put himself upon Trial by his Peers, and after great debate it was at length resolved, that the Peers should be tried only by Peers in Parliament, and he had appointed to examin the Articles against him, 4 Bishops *viz.* *London, Hereford, Bath and Exceter*, 4 Earls, *Arundel, Salisbury, Huntington and Suffolk*, 4 Barons, *Percy, Wake, Bassett and Nevil*. After which he was admitted to answer for himself in Parliament *devant les Piers*, before his Peers.

21. R. 2. *Tho. Arundel* Arch-Bishop of *Canterbury* was Impeached of High-Treason before the King and Lords in Parliament. The Kings answer was, that forasmuch as this Impeachment did concern so High a Person, & *Pier de Son Roialm*, a Peer of the Realm, he would be advised. But soon after he was condemned for Treason by the House, the Proxy of the Bishops, *Sir Thomas Percy* giving his Vote for them.

Secondly, Temporal Barons have not always been tried by their Peers, for 28. H. 6. *William de la Poole* Duke of *Suffolk* waved being tried by his Peers, and submitted to the Kings mercy, upon which the Lords Temporal and Spiritual entred a Protestation that this should not be, or turn to the prejudice of them, their Heirs, nor Successors in time coming, but that they might enjoy their freedom in case of their Peerages as largely as their Ancestors and Predecessors had done.

*Thomas Lord Berkley* being Arraigned for the Death of King *E. 2* before the Parliament, put himself upon his Countrey, and the Jury brought him in not Guilty.

Thus far the Learned Author, from whom for the Readers ease and satisfaction in this important particular, I have made these short Collections, and refer the more Curious to the Book it self.

I should have given the Reader an account before of the great Complaints of the City against Protections; but here I present him with the Report which *Mr. Reynolds* made in the House of Commons upon that Subject, which was,

“ That the City of *London* did heretofore present a Petition in the  
 “ Name of the whole City, complaining of Protections and Priviledges  
 “ claimed by Members of both Houses, and by the Kings and Queens  
 “ Servants, and having no Redress by their Petition, they called a Com-  
 “ mon Council; and upon a long Debate among themselves, they did  
 “ agree unanimously, \* *That this Grievance was greater and more preju-*  
 “ *dicial to the City and the whole Kingdom, than that of Salt, Soap, Lea-*  
 “ *ther, and Ship-Money.* Thereupon they did agree to Address them-  
 “ selves by way of a second Petition to this House; and that Petition  
 “ was referred to a Committee to Regulate Protections; this was done  
 “ 6 July last, and during the Sitting of that Committee they attended  
 “ there two or three times, and presented a Book in Folio, of the Mem-  
 “ bers of this House, that have granted Protections, as also the Names of  
 “ those of the Kings, Queens, and Princes Servants, that were Protected:  
 “ Upon all which they grounded their Complaint, which Complaint  
 “ was there presented in Writing. And it was the Opinion of the Com-  
 “ mittee, That it should be read in the House at this time of the Report,  
 “ being Reasons tendred by the Committee appointed by the Common-  
 “ Council of the City of *London* against Protections, Priviledges, and  
 “ priviledged Places, &c. Upon the Reasons mentioned in the Paper,  
 “ and upon other Considerations, and after a long Debate, and being a  
 “ tender

October,  
1641.

*Antiq. Brit. p.*  
223. *Rot. Par.*  
15. E. 3. n. 7.

21. R. 2.

*Rot. Par. 4. E. 3.*

Thursday,  
October 28.

Report in the  
House of Com-  
mons con-  
cerning the  
Complaint of  
the City about  
Protections,  
&c.

\* This de-  
serves to be  
taken Notice  
of; for by  
this, it is Easy  
to conjecture,  
the Grievan-  
ces of the Na-  
tion were ag-  
gravated far  
more then in  
truth they  
deserved.



October,  
1641.

"tender point to trench upon the Priviledges of Parliament, they proceeded unto these two *Votes*, which they commanded me to Report :

(1.) *That all the Members of this House should be pleased during the pleasure of this House, to wave all Protections for their Menial Servants or others.*

(2.) *That during the Pleasure of this House, all the Lands, Estates and Goods of every Member of this House should be Lyable to the Payment of just Debts.*

But for all the Complaints of the City, and the greatness of the Grievance, which Exceeded all the Monopolies of Salt, Soap, Leather, and Ship-Money put together, this was a point so necessarily tender, that they made very slow steps toward the Redressing of it, or joyning with Mr. *Reynolds* and his *Committee* in their *Votes*. And nothing further was at present done in it more than barely to give the Complaint a hearing. Had the King, Queen and Prince only been concerned in Protections, it had immediately been Voted Illegal, Unjust, against the Liberty of the Subject, &c. but it too nearly concerned some of them to comply with the *Votes* of the *Committee*; for if they had, particularly I instance in the late infamous Usurper *Oliver Cromwell*, instead of Sitting in the Commons House, they were in danger to take up their Lodgings in a Common Prison: For had he and many others in the House made all their Lands, Estates and Goods lyable to the payment of their just debts, they would have been quickly found Bankrupts in Estate then, as much as they were afterwards in Honesty and Reputation; and unless the Charity of the Faction who obtruded them upon the People for Representatives, had maintained them out of the Common Stock, they must have wanted Bread, as well as they who set them up would have wanted Instruments to carry on their Blessed Work of Reformation, which in reality was by many of these hungry and broken Fortunes, only to Establish their own out of the Ruins of the Church.

And therefore to cut off all further Trouble on that side, by letting this Affair and Complaint of the City sleep *fine die*, It was the 28 of October Ordered, *That in regard of the Weighty and Important Matters in agitation in the House, this House will not enter upon any private Matters, but into Publick Business only, till further Order, and this Order to be Printed and Published, that so all persons may take Notice of it, and regulate themselves accordingly.*

And the truth is, they were now deep upon Consultation of the Fatal Point which Ushered in the Rebellion, and not only this, but many others in former Ages; for a *Committee* was appointed to prepare Heads out of the whole Debate that has been this day, for a Petition to be preferred to his Majesty, *To prevent the Mischiefs that may happen to the Common-Wealth by the Choice and Imployment of Evil Councillors, Ambassadors, Judges, Officers and other Ministers of State, and they are to meet this Afternoon at 4. of the Clock in the Exchequer Chamber, and have Power to send for Parties, Witnesses, Papers and Records, and any thing else that may conduce to the Service.*

Order to Enter only upon Publick business.

Committee to prepare Heads for a Petition to the King against Evil Councillors, &c.

Friday,  
October 29.

This day the Certificate of the Two Chief Justices in the Case of *Cook* and *Blackston*, referred to them by Order of the House of Lords, was Read, viz.

May



May it please your Lordships,

**A**ccording to your Lordships Order of the 9th of September last touching the business between John Cook, Clerk, Plaintiff, and Benjamin Blackston Defendant; We have heard the Parties and their Council on both sides, And we find, that the said John Cook was Presented, Instituted and Inducted into the Rectory of West Thorney in Suffex, after the Death of Godfrey Blackston former Incumbent there, who died in the Month of January 1637. And that Mr. Blackston procured a Super-institution to this Church, and by colour thereof hath gotten the Possession from Mr. Cook. We are of Opinion, That the Super-institution of Mr. Blackston is void, and that Mr. Cook ought to be restored to his Possession, and to hold the same quietly untill he shall be Evicted by Course of Law. And we think fit that Mr. Blackston should be left to his Remedy and Course at Law to try his Title to the same Church, and for such Wrongs as he supposeth that Mr. Cook hath done unto him; And that Mr. Cook be left also to his Remedy and Course in Law for such Wrongs and Damages as he doth Alledg that Mr. Blackston hath done unto him: All which we humbly submit to your Lordships Wisdom.

25 October, 1641.

John Bramston,  
John Bankes.

Upon this the House Ordered, That the Possession of the Rectory of West Thorney, shall be settled upon the said John Cook, according to the aforesaid Certificate, and that the Sheriff and Justices of the Peace, shall give him Possession, and continue him quietly in the same, until he shall be evicted by Course of Law; and that the rest of the Certificate is hereby fully confirmed, and Mr. Blackston left to his Remedy and Course of the Law, to try his Title to the same Church.

A Message was brought from the House of Commons by Mr. Perpoint to let their Lordships know, That by reason many of their Witnesses are in Places remote, so as they cannot be ready for the Tryal of Mr. Justice Berkley, on the second of November next; therefore the Desires of the House of Commons are, that their Lordships would be pleased to take the same into Consideration, and put the Tryal off for some Longertime, whereupon it was,

Ordered, That the Day of Tryal of Mr. Justice Berkley is put off from the Day appointed, until this House gives further Order herein, and Mr. Justice Berkley is to have speedy Notice hereof.

In the Commons House it was this day Ordered, That the Orders concerning the Soldiers to depart the Town, shall be Printed and Published, as also the Orders made by the Lord General, the Lords also Assenting.

A Committee was also appointed, to present the Names of those Persons that are Voted Delinquents by this House, to the end, the House may present such of their Names, as they shall think fit to the Lords, whereby their Estates may be lyable for their Offences.

Then the House fell into Debate concerning the Conge d'Esquires, for the making of the five New Bishops, and upon the Question the House was divided, with the Yeas were 71, with the Noes 53.

Whereupon a Committee was appointed to prepare Heads for a Conference with the Lords, to desire them to joyn with this House, in a Petition

October,  
1641.

A Case about Superinduction to a Rectory before the Lords.

The Order of the Lords upon it.

The Tryal of Judge Berkley put off.

An Order of Commons to make such as they voted Delinquents, Estates forfeited. Debate in the House of Commons concerning the five new Bishops.



October,  
1641.

Saturday,  
October 30.  
Report of the  
Conference a-  
bout the Safe-  
ty of the  
Kingdom, &c.

tition to his Majesty, to stay the making of the five Bishops, until further Consideration be had by both Houses.

The Lord Keeper reported the Conference with the Commons touching the Safety of the Kingdom and the Security of the Princes Person to this Effect.

*That the House of Commons are full of Tenderness of the King's Honor, Duty to the King's Person and his Posterity; It was said that it was not News now a-Days to hear of dangerous Designs, they having newly discovered some more, therefore the House of Commons have Reason to look into every Corner whence Danger may come.*

*And upon Information, the House of Commons understands, that of late the Prince hath been much from his own House at Oatlands, out of the Custody of his Governor; they do not doubt of the Motherly Affection and Care of the Queen towards him, but there are dangerous Persons at Oatlands, Priests and Jesuits, as hath of late appeared by some Examinations taken, and some of them are sent for by the House of Commons.*

*Upon these Reasons, the House of Commons desires, That a Message be sent to the Lord Marquiss of Hertford from both Houses of Parliament, That he should forthwith take the Prince into his Custody and Charge, and attend upon him in Person, and desire, that the Prince may make his Ordinary Abode and Residence at his own House at Richmond, and that his Lordship will place such Persons about him, as he will be answerable for, to both Houses.*

Whereupon it was Resolved, *To send the Lord Chamberlain to the Lord Marquiss of Hertford, and the Earl of Holland, to acquaint the Queen herewith, and to present Her Majesty the Reasons of it.*

In the House of Commons Mr. King reports the Case of the Soap Business. Whereupon it was,

Resolved upon the Question,

*That all those who made the Decree in the Star-Chamber are Delinquents.*

Resolved, &c.

*That the Proclamation dated 26. Januarii 1633. made in pursuance of the Decree of Star-Chamber of the 23 of August 1633. for regulating the Trade of Soapers, and two other Proclamations, the one dated 13 July 1634. and the other dated the 25 January 1634 concerning Soapers, are illegal, and tend to the Subversion of the Laws of this Realm, and are against the Liberty of the Subject.*

Resolved, &c.

*That the Orders of the Council-Board of 29th of September 1634. of the 24 of November 1634. of the 29th of July 1635. concerning the Soapers, and of the 18 of December 1636. for a Commission to Sir John Hales Knight, and John How Esquire, and the Dormant Warrant of the One and Thirtieth of December 1636. to such of the Soapers of Westminster, were Illegal and against the Liberty of the Subject.*

Resolved, &c.

*That all who Signed the Warrants were Delinquents.*

Resolved, &c.

*That the restraining of the Subjects Persons, the Examination of them upon Oath against themselves, the imposing of Fines upon them, and the Sharing of those Fines by Colour of the Order of the Council-Table dated the 10 of December 1636. and a pretended Commission directed unto*

Sir

Votes about  
the Soap Busi-  
ness in the H.  
of Commons.



*Sir John Hales Knight and John How Esquire are Illegal, and a Grievance to the Subject, and the same were put in Execution by the said Sir John Hales, John How and Corporation of Soapers of Westminster, and their Officers, and they for the doing thereof, are Delinquents, and ought to make amends to the Parties damnified thereby.*

Resolved, &c.

*That the Matter agreed upon by the Indentures of Covenants dated the 12th of April 1636. made between the King, and Sir Henry Compton, and the rest of the Soapers of Westminster, are Illegal, and a great Grievance to the Subject, and of dangerous Consequence in the Execution.*

Resolved, &c.

*That these several Parties, ( viz. ) That were Covenanters with the King, by the Indenture of Covenant dated the 12th of April 1636. are Delinquents, and ought to make Amends to the Common-Wealth, and to all such as after these Covenants entred into, were restrained the Use of their Trades of making Soap, or sustaining any Loss in their Fats, Panns, or otherwise, by occasion of the Corporation of Westminster.*

Resolved, &c.

*That the Obligation entred into by the Soapers of London, to his Majesty upon their Deliverance out of Prison, upon the Sentence of Star-Chamber, conditioned, that they would not make any more Soap, without the License of the Corporation of Westminster, were Illegal, and contrary to the Liberty of the Subject.*

Resolved, &c.

*That Sir John Hales, Francis Plowdon, Fitz Williams Conisby, Edmund Windham, John Gifford, George Vaughan, Stradlings, shall be sent for as Delinquents, by the Serjeant at Arms attending this House.*

Delinquents about the Soap-Patent sent for by the Serjeant at Arms.

*It was Ordered, That according to the Order of the Ninth of November last, Mr. Fitz Williams Conisby shall be expelled this House, he being a Monopolist, and that the Speaker Issue out a Warrant to the Clerk of the Crown, for a Writ for a new Election for a Member to serve for the County of Hertford in his Place.*

Mr. Conisby expelled for a Monopolist.

*It was also Ordered, That Doctor Burges shall be desired to Preach before this House upon the Fifth of November.*

Burges to Preach before the Commons November 5th.

*This day the Lord Keeper informed the House of Lords, That the Lord Lieutenant General of Ireland, having yesterday Morning received a Pacquet of Letters and Examinations, from the Justices and Council of Ireland, discovering an Insurrection and Treason in that Kingdom, and that the Rebels have already committed divers Murders, and fired Houses, and Villages of the Protestants there. Upon this the Privy-Council met at White-Hall; and considering it to be a Matter of so great Importance, thought it not fit to omit any Opportunity, nor loose Time, therefore because this House was appointed not to sit until this Afternoon; \* the Lords of the Council ( as Privy Counsellors ) thought it expedient to communicate the same speedily to the House of Commons: and this Morning in a full House, their Lordships in Person caused the Letters and Examinations concerning the Business, to be publickly read unto them, and desired the House of Commons to take the same into Consideration.*

Monday, Novemb. 1. The News of the Irish Rebellion which broke out upon Saturday October 23.

\* The L. Keeper, the L. P. Seal, L. High Chamberlain, E. Marshal, L. Admiral, L. Chamberlain, E. of Bath, E. of Dorset, E. of Leicester, E. of

*warwick, E. of Holland, E. of Berks, E. of Bristol, L. Viscount Say and Seal, L. Mandeville, L. Goring, L. Willmot, acquaint the Commons with the Irish Rebellion. After they had staid a little, Chairs were brought them, and the Speaker desired them in the Name of the House, to sit and be covered.*



Novem.  
1641.

The Letter  
from the Coun-  
cil of Ireland  
to the Lord  
Lieutenant  
General of the  
Discovery of  
the Irish Re-  
bellion.

\* Ignatius Loy-  
ola, not the  
Martyr Ignat-  
ius, the Tute-  
lar St. of Ro-  
mish Rebels.

Hereupon the Letters and Examinations were read ; first a Letter which was sent from the Council of *Ireland*, to the Lord Lieutenant General as follows.

*May it please Your Lordship,*

‘ ON Friday the 22<sup>th</sup> of this Month after Nine of the Night, this Bearer Owen Connelly Servant to Sir John Clotworthy Knight, came to me the Lord Chief Justice Parsons, to my House, in great secrecie, as indeed the Case did require, and discovered unto me a most wicked and damnable Conspiracy plotted and contrived, and intended to be also acted by some evil affected *Irish* Papists here.

‘ The Plot was on the, then, next Morning, Saturday the 23 of October, being \* Ignatius Day, about Nine of the Clock to surprize His Majesties Castle of *Dublin*, His Majesties chiefeft strength of this Kingdom, wherein also is the principal Magazine of His Majesties Arms, and Munition : And it was agreed, it seems, among them, that at the same hour all other His Majesties Forts and Magazines, of Arms and Munition in this Kingdom should be surprized by others of the Conspirators. And further, That all the Protestants and *English* throughout the whole Kingdom that would not joyn with them, should be cut off, and so those Papists should then become possessed of the Government, and Kingdom at the same Instant.

‘ As soon as I had that Intelligence, I then immediately repaired to the Lord Justice Borlace ; and thereupon we Instantly Assembled the Council, and having sat in Council all that night, as also all the next day, the 23 of October, in regard of the short time left us for the Consultation of so great and weighty a matter, although it was not possible for us, upon so few hours warning, to prevent those other great mischiefs, which were to be acted even at that same hour, and that at so great distance as in all the other parts of the Kingdom ; yet such was our industry therein, having caused the Castle that Night to be strengthened with Armed Men, and the City Guarded, as the wicked Councils of those Evil Persons, by the great Mercy of God to us, became defeated, so as they were not able to act that part of their Treachery, which indeed was principally intended, and which, if they could have effected, would have rendred the rest of their Purposes the more easie.

‘ Having so secured the Castle, we forthwith laid about for the Apprehension of as many of the Offenders as we could, many of them having come to this City but that night, intending, it seems, the next morning to act their Parts in those Treacherous and Bloody Crimes.

‘ The first man apprehended was one *Hugh Mac-Mahon* Esq; Grand-son to the Traytor *Tyrone*, a Gentleman of a good fortune in the County of *Menoghan*, who with others, that morning was taken in *Dublin*, having at the time of their apprehension offered a little resistance with their Swords drawn ; but finding those we imployed against them more in Number, and better Armed, yielded ; He upon Examination before us, at first denied all, but in the end, when he saw we laid it home to him, he confessed enough to destroy himself, and impeach some others, as by a Copy of his Examination herewith sent may appear to your Lordship. We have committed him, until we might have further time

‘ to



Novem.

1641.

to Examine him again, our time being become more needful to be im-  
ployed in Action for securing the Place, then in Examining.

This Mr. *Mac-Mahon* had been abroad, and served under the King  
of *Spain* as a Lieutenant Colonel, upon Conference with him and  
others, and calling to mind a Letter which we received before from  
Sir *William Cole*, a Copy whereof we send your Lordship here inclo-  
fed, we gathered that the Lord *Mac-guire* was to be an Actor in sur-  
prizing the Castle of *Dublin*; wherefore we held it necessary to secure  
him immediately, thereby also to startle and deterr the rest, when  
they found him laid fast. His Lordship, observing what we had done,  
and the City in Arms, fled from his Lodging early before Day, it  
seems disguised, for we had laid a Watch about his Lodging, so as we  
think he could not pass without disguising himself, yet he could not  
get forth of the City, so surely Guarded were all the Gates.

There was found at his Lodging hidden some Hatchets, with the  
Helves newly cut off close to the Hatchets, and many Skenes, and  
some Hammers.

In the end, the Sheriffs of the City, who were imployed in a strict  
search of his Lordship, found him hidden in a Cock-loft, in an ob-  
scure House, far from his Lodging, where they apprehended him, and  
brought him before us.

He denied all, yet so as he could not deny but he had heard of it  
in the Country, though he would not tell us when, or from whom;  
and confessed that he had not advertised us thereof, as in duty he ought  
to have done: But we were so well satisfied of his Guilt by all Cir-  
cumstances, as we doubted not, upon further Examination, when we  
could be able to spare time for it, to find it apparent.

Wherefore we held it of absolute necessity to commit him close  
Prisoner, as we had formerly done *Mac-Mahon* and others, where we  
left them on the 23 of this Month in the morning, about the same  
hour they intended to have been Masters of that Place, and the  
City.

That morning we laid wait for all those strangers that came the  
night before to Town, and so many were apprehended, whom we find  
reason to believe to have hands in this Conspiracy, that we were forced  
to disperse them into several Goals; and since we found, that there  
came many Horsemen into the Suburbs that night, who, finding the  
Plot discovered, dispersed themselves immediately.

When the hour approached, which was designed for the surprising  
the Castle, great numbers of Strangers were observed to come to the  
Town in great Parties several Ways, who not finding admittance at  
the Gates, stayed in the Suburbs, and there grew so numerous, to the  
Terror of the Inhabitants.

We therefore to help that, drew up, and instantly Signed a Pro-  
clamation, Commanding all Men, not dwellers in the City or Suburbs,  
to depart within an hour upon pain of Death; and made it Pænal to  
those that should harbour them, which Proclamation the Sheriffs im-  
mediately Proclaimed in all the Suburbs, by our Commandment, which  
being accompanied with the Committal of those two Eminent Men,  
and others, occasioned the departure of these multitudes; and in this  
case, all our Lives and Fortunes, and above all, His Majesties Regal  
Power and Authority being still at stake, we must vary from ordina-  
ry Proceedings not only in Executing Martial Law, as we see Cause,



Novem.

1641.

but also in putting some to the Rack, to find out the Bottom of this Treason, and the contrivers thereof, which, we foresee, will not otherwise be done.

On that 23 of this Month, we, conceiving, that as soon as it should be known, that the Plot for seizing the Castle of *Dublin* was disappointed, all the Conspirators in remote Parts might be somewhat disheartened, as on the other side the good Subjects would be comforted, and would then with the more Confidence stand on their Guard, did prepare to send abroad to all Parts of the Kingdom this Proclamation, which we send you here inclosed; and so having provided that the City and Castle should be so well Guarded, as upon the sudden we could, we concluded that long Council.

On Saturday Twelve of the Clock at night the Lord *Blaney* came to Town, and brought us the ill news of the Rebels seizing, with two hundred Men, his House at *Castle-Blaney* in the County of *Monaghan*, as also a House of the Earl of *Essex's*, called *Carrick-Macroß*, with 200 Men, and a House of Sir *Henry Spotwood's*, in the same County with 200 Men; where there being a little Plantation of *British*, they plundered the Town, and burnt divers Houses; and since it appears, that they burnt divers other Villages, and robbed and spoiled many *English*, and none but Protestants, leaving the *English* Papists untouched, as well as the *Irish*.

On Sunday morning, at three of the Clock, we had intelligence from Sir *Arthur Terringham*, that the *Irish* in the Town had that day also broken up the King's Store of Arms and Munition at *Newry*, where the Store for Arms hath been ever since the Peace; where they found 70 Barrels of Powder, and Armed themselves, and put them under the Command of Sir *Con Magenis* Knight, and one *Creedly* a Monk, and plundered the *English* there, and disarmed the Garrison.

And this, though too much, is all that we yet hear is done by them: However, we shall stand upon our Guard the best we may to defend the Castle, and City principally, those being the places of most importance.

But, if the Conspiracy be so universal as Mr. *Mahon* saith, in his Examination, it is, namely That all the Counties of the Kingdom have Conspired in it, which we admire should so fall out in this time of universal Peace, and carried with that secrecie, that none of the *English* could have any Friend among them to disclose it, then indeed we shall be in high Extremity, and the Kingdom in the greatest danger that ever it underwent; considering our want of Men, Mony and Arms, to enable us to encounter so great multitudes as they can make, if all should so joyn against us, the rather because we have pregnant cause to doubt, that the Combination hath taken force by the incitement of the Jesuits, Priests and Friars.

All the hope we have here, is, That the *English* of the Pale, and some other Parts, will continue constant to the King in their Fidelity, as they did in former Rebellions.

And now in these straits, we must, under God, depend on Aid forth of *England* for our present supply with all speed, especially Mony, we having none, and Arms, which we shall exceedingly want; without which we are very doubtful what account we shall give to the King of this Kingdom.

But



Novem.

1641.

‘ But if the Conspiracy be only of *Maguire*, and some other *Irish* of the Kindred and Friends of the Rebel *Tyrone*, and other *Irish* of the Counties of *Down*, *Monogham*, *Cavan*, *Fermanagh* and *Armagh*, and no general Revolt following thereupon, we hope then to make Head against them in a reasonable Measure, if we be inabled with Money from thence, without which, we can raise no Forces; so great is our want of Mony, as we formerly have Written, and our Debt so great to the Army; nor is Money to be borrowed here, and if it were, we would Engage all our Estates for it; neither have we any hope to get in his Majesties Rents and Subsidies in these Disturbances, which adds extremely to our Necessities.

‘ On *Sunday* Morning the 24<sup>th</sup>, we met again in Council, and sent to all parts of the Kingdom the inclosed Proclamation, and Issued Patents to draw hither seven Horse Troops, as a further strength to this Place; and to be with us, in case the Rebels shall make Head and march hitherward, so as we may be necessitated to give them Bat-  
tel.

‘ We also then sent away our Letters to the Presidents of both the Provinces of *Munster* and *Connaght*, as also to the Sheriffs of five Counties of the Pale, to consult the best way and means of their own preservation.

‘ That day the Lord Viscount *Gormanstown*, the Lord Viscount *Netterville*, the Lord Viscount *Fitz-Williams*, and the Lord of *Lowth*, and since the Earls of *Kildare* and *Fingal*, and the Lords of *Dunsany* and *Slane*, all Noblemen of the *English* Pale, came unto us, declaring, That they then, and not before heard of the matter, and professed all Loyalty to His Majesty, and Concurrence with the State; but said, they wanted Arms, whereof they desired to be supplied by us, which we told them we would willingly do, as relying much on their faithfulness to the Crown; but we were not yet certain whether, or no, we had enough to Arm our strengths for the guarding of our City and Castle: yet we supplied such of them as lay in most danger, with a small proportion of Arms and Ammunition for their Houses, lest they should conceive we apprehended any Jealousie of them; and we commanded them to be very diligent in sending out Watches, and making all the Discoveries they could, and thereof to advertise us, which they readily promised to do.

‘ And if it fall out that the *Irish* generally rise, which we have cause to suspect, then we must of necessity put Arms into the hands of the *English* Pale in present, and others as fast as we can, to fight for the defence of the State and themselves.

‘ Your Lordship now sees the Condition wherein we stand, and how necessary it is, first, That we enjoy your Presence speedily, for the better guiding of these and other Publick Affairs of the King and Kingdom: And secondly, That the Parliament of *England* be moved immediately to advance to us a good Sum of Mony, which being now speedily sent hither, may prevent the expence of very much Treasure and Blood, in a long continued War. And if your Lordship shall happen to stay on that side any long time, we must then desire your Lordship to appoint a Lieutenant General to discharge the great and weighty burthen of commanding the Forces here.

‘ Amidst these confusions, and disorders fallen upon us, we bethought us of the Parliament, which was formerly Adjourned to *November*  
‘ next



Novem.

1641.

‘ next, and the Term now also at hand, which will draw such a course of People hither, and give opportunity under that pretence of Assembling and taking new Councils, seeing the former seems to be in some part disappointed, and of contriving further danger to this State and People ; We therefore found it of unavoidable necessity to Prorogue the Parliament to the 24<sup>th</sup> day of February next, and therefore we did by Proclamation Prorogue it accordingly, and do direct the Term to be Adjourned to the first of Hillary Term, excepting only the Court of *Exchequer*, for the hastening in the King’s Money.

‘ We desire that upon this occasion your Lordship will be pleased to view our Letters concerning the Plantation of *Connaght*, dated the 24<sup>th</sup> of April last, directed to Mr. Secretary *Vane* in that part thereof which concerns the County of *Monaghan*, where now these fires do first break out.

‘ In the last place, we must make known to your Lordship, That the Army we have, consisting but of 2000 Foot, and 1000 Horse, are so dispersed in Garrisons in several Parts of the four Provinces, for the security of those Parts, as continually they have been since they were reduced, as if they be all sent for to be drawn together, not only the Places where they are to be drawn from, and for whose safety they lye there, must be, by their absence, distressed, but also the Companies themselves coming in so small numbers, may be in danger to be cut off in their march ; nor indeed have we any mony to pay the Soldiers, to enable them to march. And so we take leave, and remain

*Your Lordships to be Commanded*

From His Majesties Castle  
of Dublin 25 Oct. 1641.

*William Parsons,*  
*John Borlase,*  
*Robert Boulton, Canc.*

|                          |                          |
|--------------------------|--------------------------|
| <i>J. Dillon,</i>        | <i>Ro. Digby,</i>        |
| <i>Anth. Midenfis,</i>   | <i>Adam Loftus,</i>      |
| <i>Jo. Raphoe,</i>       | <i>Jo. Temple,</i>       |
| <i>Thomas Rotherham,</i> | <i>Gerrard Lowther,</i>  |
| <i>Fra. Willoughby,</i>  | <i>George Wentworth,</i> |
| <i>Jo. Ware,</i>         | <i>Ro. Meredith.</i>     |

*Postscript.*

‘ The said *Owen Connelly*, who revealed this Conspiracy, is worthy of great Consideration, to Recompence that Faith and Loyalty, which he hath so extremely to his own danger expressed in this business, whereby, under God, there is yet hope left us of Deliverance of this State and Kingdom, from the wicked purposes of those Conspirators : And therefore we beseech your Lordship, that it be taken into Consideration there, so as he may have a mark of His Majesties most Royal Bounty, which may largely extend to him and his Posterity, we being not now able here to do it for him.

*William Parsons.*

‘ As we were making up these our Letters, the Sheriff of the County of *Monaghan*, and Dr. *Teale*, having fled, came unto us, and informed us



'us of much more Spoil committed by the Rebels, in the Counties of  
'*Monaghan* and *Cavan*, and that the Sheriff of the County of *Cavan*,  
'joyns with the Rebels, being a Papist and Prime Man of the *Irish*.

Novemb.

1641.

*William Parsons,*  
*Robert Digby,*

*John Dillon,*  
*Adam Loftus,*

Then Sir *William Cole's* Letter which had given some Light to the  
Conspiracy, was read as followeth.

Right Honorable,

**U**Pon Friday last, Two of the Natives of this County, Men of good  
Credit, came to my House, and informed me, that *Hugh Boy*,  
*Mr. Tirlagh*, *Mr. Henry O Neal* a Captain which came from  
*Flanders* about May last, hath since that time, had the chieftest part of his  
Residence in *Tyrone*, at or near *Sir Phelim Roe O Neal's* House, to  
which Place, it hath been observed, there hath been more then an Ordina-  
ry or former Usual resort of People, so frequent, that it hath bred some  
Suspition of Evil Intendments, in the Minds of sundry Men of honest In-  
clinations: and these Gentlemen, my Authors do say, that they do hold no  
good Opinion of it, rather construing an evil Intention to be the Cause there-  
of. For my own part, I cannot tell what to make, or think of it.

Sir William  
Cole's Letter  
to the Lord  
Justices of Ire-  
land, just be-  
fore the dis-  
covery of the  
Rebellion.

The Lord Maguire in all that time, as they inform me also, hath been  
noted to have very many private Journeys to *Dublin*, to the *Pale*, into  
*Tyrone*, to *Sir Phelim O Neals*, and many other Places this Tear; which  
likewise gives diverse of the Country Cause to doubt, that something is in  
Agitation tending to no good Ends.

Upon Saturday last, one of the same Gentlemen came again to me, and  
told me, that as he was going Home the Day before, he sent his Footman a  
nearer Way then the Horse Way, who met with one of the Lord Inskillins  
Footmen, and demanded of him from whence he came? Who made Answer  
That he came from Home that Morning; and the other replying said, You  
have made good hast to be here so soon; to which he answered, That his  
Lord came Home late last Night, and writ Letters all that Night, and left  
not a Man in or about his House, but he hath dispatched in several Ways,  
and he hath sent me this Way to *Tirlagh Oge*, *Mac Hugh*, and others  
also with Letters, charging them to be with his Lordship this Night, at his  
House.

Of which Passage, I would have given your Honors sooner Notice, but  
that I deemed it fit to be silent, in Expectation that a little time, would  
produce some better Ground to afford me more Matter to acquaint your Ho-  
nors withal.

Whereupon this Day I understood by one *Hugh Mac-Guire*, that the  
said *Tirlagh Oge*, *Mac Hugh*, *Con-Connaght*, *Mac-Shane*, *Mac Enabb*,  
*Mac Guire* and *Oghie O Hosey* reported themselves to have been appoint-  
ed Captains by his Lordship to raise Men, and that he had the Nominati-  
on of seven other Captains to do the like, for to serve under the King of  
*Spain* in *Portugal*; and that one of the said Captains, namely the said  
*Con-Connaght* entertained twelve Men. What Authority or Commission  
there is for this, is not here known, but it makes some of us, that are of  
the British, to stand in many Doubts and Opinions concerning the same; and  
the rather, for that those three Men so named to be Captains, are broken  
Men



Novemb.  
1641.

*Men in their Estates and Fortunes, two of them being his Lordships near Kinsmen; and that if any Evil be intended, they are conceived to be as apt Men to imbrace and help therein, as any of their Degrees in this Country.*

*These Matters seem the more strange unto me, for that they are so privately carried, and that upon Friday last, I heard Sir Frederick Hamilton say, That the Colonels, that at my last being in Dublin, were raising of their Men to go for Spain, were since stayed by Command out of England.*

*I have now therefore sent this Bearer, purposely by these to make known to your Lordships what I have heard in this Business, which I humbly leave unto your Honors Consideration, and desiring to know your Pleasures herein, with remembrance of my most humble Service unto your Lordships, I will end these, and be ever*

*Eniskillin 11th of  
October 1641.*

*Your Lordships in all Duty  
to be commanded  
Wil. Cole.*

*Supercribed,  
To the Right Honorable, his Majesties Lords Justices for the Kingdom of Ireland. These, haſt, Present.*

*The Examination of Owen Connelly Gent. taken before Us whose Names Enſue, the 22d. of October, 1641.*

The Deposition of Owen Connelly, about the Irish Rebellion.

“ **W**HO being truly Sworn and Examined saith, That being at Monnimore in the County of London-Derry on Tuesday last, he received a Letter from Colonel Hugh Oge Mac-Mahon, desiring him to come to him to Connogh in the County of Monaghan, and to be with him on Wednesday or Thursday last; Whereupon he this Examinate came to Connogh on Wednesday at Night last, and finding the said Hugh come to Dublin, followed him hither: He came hither about Six of the Clock this Evening, and forthwith went to the Lodging of the said Hugh, to the House near the Boot in Oxmantown, and there he found the said Hugh, and came with the said Hugh into the Town near the Pillory to the Lodging of the Lord Mac-guire, where they found not the Lord within, and there they drank a Cup of Beer, and then went back again to the said Hugh his Lodging.

“ He saith, That at the said Mac-guires Lodging the said Hugh told him, That there were and would be this Night, great Numbers of Noblemen and Gentlemen of the Irish and Papists, from all the Parts of the Kingdom in this Town, who with himself had determined to take the Castle of Dublin, and possess themselves of all his Majesties Ammunition there, to morrow Morning being Saturday; and that they intended first to batter the Chimneys of the Town; and if the City would not yield, then to Batter down the Houses, and so to cut off all the Protestants that would not joyn with them.

“ He saith further, That the said Hugh then told him, That the Irish had prepared Men in all the Parts of the Kingdom to destroy all the English Inhabitants there to Morrow Morning by Ten of the Clock, and that in all the Sea-Ports and other Towns of the Kingdom, all the

“ *Protestants*



" Protestants should be Killed this Night, and that all the Posts that could be, could not prevent it.

" And further saith, That he moved the said *Hugh*, to forbear the Executing of that Business, and to discover it to the State, for the saving of his own Estate; who said, That he could not help it; but said, That they did ow their due Allegiance to the King, and would pay him all his Rights, but that they did this for the Tyrannical Government that was over them, and to imitate Scotland, who got a Priviledg by that Course.

" And he saith further, That when he was with the said *Hugh* in his Lodging the second time, the said *Hugh* swore that he should not go out of his Lodging that Night, but told him, That he should go with him the next Morning to the Castle, and said if that Matter were discovered, some-body should dye for it. Whereupon this Examinat feigned some Necessity for his Easement, and went down out of the Chamber, and left his Sword in Pawn; and the said *Hugh* sent his Man down with him, and when this Examinat came down into the Yard, finding an Opportunity, he this Examinat leaped over a Wall and two Pales, and so came to the Lord Justice Parsons.

*William Parsons;  
Tho. Rotherham.  
Robert Meredith.*

*Owen O Connelly.*

*Novemb.  
1641.*

*The Examination of Hugh Oge Mac-Mahon of Connagh in the County of Monoghan Esquire, Aged 35 Tears or thereabouts, taken before the Right Honourable the Lords Justices and Council.*

" THE said Examinat saith, That he thinks there will be Trouble this Day throughout all the Kingdom of *Ireland*; and that all the Fortifications of *Ireland* will be taken this day, as he thinks: And he saith, That he thinks, that it is so far gone, by this time, that *Ireland* cannot help it; he saith he was told this by Captain *Bryan O Neal*; he saith, That Captain *Bryan O Neal*, and Captain *Hugh Burne* were designed for the Surprizing of the Castle of *Dublin*, and that if this Examinat were one for Surprizing the Castle of *Dublin*, those Captains were principal therein: He saith, The place of meeting was to be at the Examinat's Lodging; He saith, That Twenty Prime Men of every County in *Ireland*, were to be at *Dublin* this last Night concerning this matter, and that they were to consult of it this morning at the Examinat's Lodging; their Weapons were to be Swords and Skenes, and that the Captains that were raising Men in the *Irish* Countries, were they that should bring men hither to second the Business: He saith, When they had *Dublin*, they made sure of the rest, and Expected to be furnished with more Arms at *Dublin*; He said, I am now in your hands, Use me as you will, I am sure I shall be shortly revenged. And being demanded whether the Lord *Mac-guire* was one appointed to this Business, he, at last, said he thought he was.

*Mac-Mahon's  
Examination  
and Confession  
about the Irish  
Rebellion.*

*William Parsons,*

*R. Dillon,                      Tho. Rotherham,  
Ad. Loftus,                    R. Meredith,  
J. Temple,*



Novemb.

1641.

The Examination and Deposition of Richard Grave concerning the Irish Rebellion.

*The Examination of Richard Grave of Dronibote in the County of Monaghan, Yeoman, taken the 25th of October, 1641.*

“WHO saith, That on *Friday* last the 22<sup>d</sup>. of this Month a little before Night, a Son of *Art-Oge Oneal*’s of the *Fues*, whose Name he knoweth not, accompanied with about One hundred of the said *Art-Oge*’s Tenants, Armed with Swords, Pitchforks, and some Muskets, came to *Dronibote* aforesaid, to the House of *William Grave*, Brother to the said *Richard*, and having broken down the Doors and Windows of the said House, they Rifled it, and robbed him of all the Money they could find there, and of fundry other Goods, which they were able to carry away; and when they had so done, they came to the House of *William Grave* the Elder, Father to the Examinat, and having broken down the Doors of the said House, they robbed him of all his Money, Linnen and Clothes, and fundry other Goods.

“He saith also, That the same Night they broke into, and robbed the House of *Sir Henry Spotswood*, in the same Town, and took from thence all the Money and Plate which they found there; as also divers Household-Goods, and a fair Stone-Horse.

“He saith also, That about Twelve a Clock the next Day, the same persons came again to the said Town, accompanied with Two or Three hundred more, and then Robbed, and spoiled it of all the rest of the Goods and Chattels which they found, and presently after, they set fire upon all the Houses there, and burnt them to the Ground; he saith also, That the Goods which his Father, and himself, and his Brother did lose thereby, were worth 500 l. and that he verily believes, that the Goods which *Sir Henry Spotswood* lost thereby, were worth 1000 l. at least.

“He saith further, That on *Friday* aforesaid, while the said *Art-Oge*’s Son was in this Examinat’s Father’s House, he heard him the said *Art-Oge*’s Son, and one *Patrick Mac-Cadron* of *Drombee*, who was one of them, who were then in the Company say, That it was but the Beginning; but before they had done, they would not leave one alive, Rich nor Poor, who went to Church: and saith also, That the said *Art-Oge*’s Son, and *Patrick Mac-Cadron* said there, That by the next Night *Dublin* would be too hot for any of the *English* Dogs to live in.

*James Ware.*

The Proclamation of the Lords Justices and Council of Ireland to stop the Rebellion Oct. 23. 1641.

The Proclamation which was set out and dispersed to as many Places as it was possible, to give Notice of the Discovery of the Conspiracy, was in *hæc verba*.

By the Lords Justices and Council.

William Parsons, John Borlase,

These are to make Known and Publish to all his Majesties good Subjects in this Kingdom of Ireland, That there is a Discovery made by Us the Lords, Justices and Council, of a most Disloyal, and detestable Conspiracy, intended by some Evil Affected Irish Papists, against the Lives of Us the Lords Justices and Council,



cil, and many other of his Majesties faithful Subjects Univerſally throughout this Kingdom, and for the Seizing not only of his Majesties Caſtle of Dublin, his Majesties principal Fort here, but alſo, of all the other Fortifications in the Kingdom, and ſeeing by the great Goodneſs and abundant Mercy of Almighty God to his Majesty, and this State and Kingdom, thoſe wicked Conſpiracies are brought to Light, and ſome of the Conſpirators committed to the Caſtle of Dublin by Us, by his Majesties Authority, ſo as thoſe wicked and damnable Plots, are now diſappointed in the Chief Parts thereof: We therefore have thought fit, hereby not only to make it publickly known, for the Comfort of his Majesties Good and Loyal Subjects in all Parts of the Kingdom, but alſo hereby to require them, That they do with all Confidence and Chearfulneſs, betake themſelves to their own Defence, and ſtand upon their Guard, ſo to render the more Safety to themſelves, and all the Kingdom beſides, and that they Advvertize Us with all poſſible Speed of all Occurrents which may concern the Peace and Safety of the Kingdom, and now to ſhew fully that Loyalty and Faith, which they had always ſhown for the Publick Services of the Crown and Kingdom, which We will value to his Majesty accordingly, and a ſpecial Memoiry thereof will be retained for their Advantage in due time; and We require, That great Care be taken, that no Levies of Men be made for Foreign Service, nor any Men ſuffer'd to March upon any Pretence.

Novemb.  
1641.

Given at his Majesties Caſtle at Dublin 23<sup>th</sup> of October 1641.

Robert Dillon,  
Adam Loſtus,  
Tho. Roſheram,  
James Ware,

Robert Digby,  
John Temple,  
Fra. Willoughby,  
Robert Meredith.

Two private Letters were read, ſent to the Lord Lieutenant, the one from Sir John Borlaſe, one of the Lords Juſtices of Ireland, the other from Sir John Temple, declaring the State and Danger, which that Kingdom is in, if there be not preſent Supply both of Arms, Men and Money from England.

Likewiſe the Lord Keeper acquainted the Houſe, That the Lords of the Council being informed of the Pacquets of Letters that came this Week from Ireland, have ſent out their Orders, and ſtayed them, and committed them into the Hands of the Gentleman Uſher, until their Lordſhips further Directions be known herein. Whereupon the Lord Privy Seal, Lord Admiral, Lord Chamberlain, Earl of Bath, Earl of Southampton, Earl of Leiſeſter and Earl of Warwick were appointed to be a Committee, to open and read ſuch Letters, as conduce any thing to the diſcovery of the Affairs of Ireland, and to report the ſame to this Houſe, and to return thoſe which concern Merchants Affairs to the Poſt Maſter, to be delivered to the Owners; their Lordſhips or any Seven or more of them to meet when they pleaſe, and have Power by virtue hereof, to divide themſelves into ſeveral by any four or more, as they ſhall ſee Occaſion.

The Irish Letters Ordered to be opened.

In the Commons Houſe, after the reading of the above related Papers concerning this Horrid Conſpiracy in Ireland, the Houſe was reſolved into a Committee of the whole Houſe, to conſider what was to be done



Novemb.

1641.

A Reward voted to Connelley, for discovering the Irish Rebellion.

Report of the Conference about the troubles in Ireland, Nov. 1. 1641.

upon this Emergency, and several Votes were passed for several Heads of a Conference which was Ordered to be desired with the Lords upon this Occasion, which, the Reader, to avoid Repetition, will find in the Report of that Conference, together with the several Answers of the Lords unto them.

Among other Votes, for a Recompence and Incouragement to Owen Connelly, the first Discoverer of this Detestable Treason, it was

*Resolved upon the Question,*

*That Owen Connelly, who discovered this Great Treason in Ireland, shall have 500 l. presently paid him, and 200 l. per annum Pension, untill Provision be made of Inheritance of a greater Value, and to be recommended to the Lord Lieutenant of Ireland for some Preferment there.*

A Message was then carried up from the House of Commons by Sir John Clotworthy Knight, to desire a present Conference, by a Committee of both Houses, if it may stand with their Lordships Convenience, touching the Troubles in Ireland, and the Security of this Kingdom.

To which the Lords immediately consented, and the Lord Keeper was Ordered to Report the Conference, which he did to this Effect;

*Mr. Pym said he was Commanded by the House of Commons to desire their Lordships to let the Earl of Leicester, Lord Lieutenant of Ireland know, That they take his Diligent and Timely acquainting the Parliament with his Intelligence concerning the Rebellion and Treason in Ireland, very well, for which he was Commanded to give his Lordship Thanks from the House of Commons, for his good Service done therein to the King and Kingdom.*

*He said, He was further to Acquaint their Lordships with some Resolutions which the House of Commons have made concerning the Affairs, and the Securing of this Kingdom. To which purpose they Resolved,*

*That 50000 l. shall be forthwith provided, and they desire that a Select Committee of the Members of both Houses, may be appointed to go to the City of London, and to make a Declaration unto them of the State of the Business in Ireland, and to acquaint them, That it will be an Acceptable Service to the Commonwealth to Lend Money; and that the Committees propose to the City the Loan of 50000 l. and to assure them, That they shall be Secured both for the Principal and Interest by Act of Parliament.*

*(2.) That the House of Commons desires, That a Select Committee of both Houses may be appointed to consider of the Affairs of Ireland, and of the raising and sending of Men and Ammunition from hence into Ireland, and of the Repair of the Lord Lieutenant of Ireland thither, and of a Declaration of both Houses of Parliament to be sent into Ireland, and that Committee to have power from time to time to open Pacquets sent into Ireland, or from Ireland.*

*(3.) For a Reward for Owen Connelly, ut supra in the Vote.*

*(4.) That a Committee of Lords may be nominated to take the further Examination of Owen Connelly upon Oath, upon such Interrogatories as shall be Offered by a Committee of the House of Commons, and in the presence of that Committee.*

*(5.) That the Custody of the Isle of Wight for the present may be sequestered into another hand.*

*(6.) That the Persons of Papists of Quality in the several Counties where they*



they reside may be secured, and such English Papists as within one Year last past have removed themselves into Ireland, (Except the Earl of St. Albanes and such other Persons as have their Ancient Estates and Habitations there) may by Proclamation be Commanded to return hither within one Month after the Proclamation there made; or otherwise some Course to be taken by Act of Parliament for Confiscation of their Estates.

The Lords taking these Propositions into Consideration severally, Resolved as followeth:

(1.) To the First, It was Agreed, That a Select Committee of Lords should joyn with a proportionable Number of the Commons, to go to the City of London to Borrow 50000 l. for the Irish Affairs, and the Lord Privy Seal, Lord Admiral, Earl of Warwick, Earl of Bristol, Lord Bishop of Winton, Lord Bishop of Lincoln, Lord Bishop of Gloucester, &c. were named, and Ordered to go to Morrow at 4 a Clock in the Afternoon.

(2.) To the Second, It was Agreed, and the same Committee appointed this Day for Opening of Letters, were Ordered to serve for this matter.

(3.) To the Third, concerning a Reward to be given to Owen Connelly, Agreed to.

(4.) To the Fourth, Agreed that the same Committee for opening Letters, shall Examine Connelly, with this Liberty, That any Peer may be present, unless he be forbidden by this House.

(5.) The Fifth Proposition concerning the Isle of Wight, laid aside for the present.

(6.) Concerning the 6th Proposition, It is agreed, That such as are Convicted Recusants shall be secured, according as the Law hath appointed; for such as are not convicted Recusants, it is referred to the Select Committee of both Houses to consider what Course is fit to be taken to secure their persons in those Cases where the Law is defective. Concerning the Proclamation, the Lords think fit, That the Minutes or Draught of a Proclamation be sent to the King in Scotland, that so he may from thence send his Warrants, and Directions for issuing out a Proclamation to that Purpose in Ireland.

After which the Lord Keeper by Command gave Thanks in the Name of the House to the Earl of Leicester Lord Lieutenant of Ireland, as before Mr. Pym had done in the Name of the Commons. And he was further desired, speedily to write to the King, and acquaint him with the Affairs of Ireland, and the Danger that Kingdom is now in, and to let His Majesty know, What Course the Parliament here hath taken for to give Supply and Aid for the Reducing of the Rebels.

And also the Lord Lieutenant was commanded to write to the Lords Justices of Ireland and the Council there, to let them know, That the Parliament hath taken into their Care to send them a Supply of Men and of Money with all convenient speed, and are Resolved, to give them Assistance in this great Defection: wishing them to persist in their Diligence and Care in defending that Kingdom against the Rebels, until Succours can be sent them; And that they give Intelligence with the first Opportunities, how the State of that Kingdom is, and how the Rebels behave themselves.

Before we proceed any further in this Parliamentary Account of these Transactions concerning this dismal Tragedy, and Infamous Conspiracy, acted by these Irish Papists, I think it will be no less than both the Readers

Novemb.

1641.

The Lords Answers to the Commons Propositions concerning Ireland, &c.



Novemb.

1641.

ders Curiosity, and the Nature of the Matter obliges me, to give a Succinct account of the Occasions, Reasons and Grounds of this Horrid Treason and Rebellion, leaving the following Series of it to be interwoven with the other Matters which will compose these Historical Collections; and this I will endeavour with all the Truth and Impartiality I am capable of, according to the best of my Judgment, and the Sentiments of such Authorities as having been Actors in, or at least Eye and Ear witnesses of the Management of the Affairs of *Ireland* during this Calamitous Storm, or rather Hurricane of that Rebellion; wherein whole Rivers of humane Blood were most inhumanely shed, and the Fields of that Island, formerly, for its Renowned Piety called the *Island of Saints*, blushed with so many Carnages, as were capable of changing the name, into the *Island of Devils*; were it not that the better part ought to give Denomination to the Whole, and that in that great Defection, the Protestant Nobility, Gentry and Commonalty, (and even some of the Ancient Native *Irish* Nobility) to their Immortal Glory persevered in their constant Loyalty and Fidelity to their Lawful Sovereign; and did not amidst so many Hazards and Hardships, Difficulties and the most pressing Dangers, relinquish the gasping Interests of their Royal but Unfortunate Master, till after they saw both Him and All their Hopes, notwithstanding their most Vigorous and Generous Attempts and Endeavours, Breathless and Deplorate; and that nothing less than a Miracle of Providence was capable of giving them a Resurrection; and even then, when they submitted their Necks to the Iron Yoke of the prevailing Usurpers, who had Murthered and Dethroned the Father, and Banished his Son and Successor our now Gracious Sovereign, it was not without a Wise Prospect, which, the Illustrious Prince *James*, then Lord Marquis, now Duke of *Ormond*, and by that Noble Title, as a mark of his Majesties Favour, and for his Extraordinary Merits, Conduct and Sufferings, created a Peer of the Realm of *England*, even then had, that it might be to his Majesties Advantage, and that reserving themselves to a better Fortune, they might upon any Turn of Affairs be in a Capacity to Exert that Loyalty which under all their Pressures lay still warm in their Dutiful Hearts, and Willing Inclinations: And this I find justified by the Lord *Brohall*, late Earl of *Orrery*, in a small Treatise written in answer to a Printed Letter of *P. W's*, where his Lordship to shew how much the Protestants Exceeded the Papists in Loyalty and Duty to the King, hath this Remarkable Passage:

The Earl of  
Orrery's An-  
swer to *P. W.*  
printed at  
Dublin 1662.  
P. 27.

“ **I**N the Year 1650, saith he, speaking of his Grace the Duke of *Ormond*, then Lord Lieutenant of *Ireland*, he permitted all those worthy Protestants, which till then had served under him, to come off to the rest of the Protestants, though then headed by *Ireton*; Esteeming them Safer with that Real Regicide, so accompanied, than with those pretended Anti-Regicides, (the Papists) so Principled. And, adds he, if so Faithful and Wise a Servant to His Majesty as the *L. Lieutenant*, had had any Hopes that the *Irish* Papists would ever have returned to their Loyalty, doubtless he would never have sent away from them, so many Powerful Helpers of it, and Friends unto it; and if he had not had more than Hopes, that the *English* Protestants would return to their Obedience, as soon as they had Power. The Wisdome of his Grace's foresight, has been happily Justified in the Result; For all the Protestants which then came off, were Eminently Instrumental and Concurring in the  
“ Duty



"Duty of accomplishing that happy Event, speaking of his Majesties Restauration, I dare as truly as confidently say, That most of the Protestants of Ireland, only served under the Usurpers, but to bring the Irish Papists to those Terms, which without the force of English Swords, they would never have been brought to; it being too Evident, that nothing could bind them but Steel and Iron.

Novemb.  
1641.

So far his Lordship. But still I am to inform the Reader, That the name *Protestant*, whether his Lordship intended that limitation or no, I know not, and this fair Character ought to be under the restriction, of being only applied to those Loyal Protestants who firmly adhered with his Grace the Duke of Ormond to their Duty and Allegiance to his Late Majesty; for there were another sort of People who glory much in the Title of *Protestants*, the *Covenanting Presbyterians* and *Schismaticks*, who were all along as bitter Enemies to his Majesty and his Interests, and who by their refusing to submit to his Majesties Authority, vested in the Lord Lieutenant, did as considerable Mischiefs to the King's Affairs, and were in reality no less Rebels than the Papists against whom they fought.

Nor is it only to gratifie the Curiosity of the Inquisitive, that I think it necessary to give this Preliminary account of the state of the *Irish* Affairs some time preceding, and to shew the probable Reasons that occasioned this Great Revolt and Insurrection, but also to wipe off the stains, which some mens Tongues and Ink have maliciously fixed upon the most Innocent Reputations in the World. And indeed such is the Nature of those Corroding Vices of Envy and Detraction, that the most polished and brightest Integrity is not Armor of Proof sufficient against the Rust of Time and Popular Calumnies; however, it is a Duty we ow to Posterity, to transmit to them the clearest Accounts we can of Truth, and not to suffer the Illustrious Fame of Great and Worthy Men, to lie Buried under the Rubbish, which prevailing Faction, and the accumulated Malice of those, who wrought their Ruin, hath heaped upon them; though to Ingenuous and unprejudiced Persons, the greatest Vindication that they are Capable of, is the Consideration that they were Enemies, who raised those Calumnies, and therefore not worthy to be Credited or Regarded.

It was one of the Common Topiques of those wicked Miscreants, the late Usurpers and Regicides, who made a Trade of Slandering the Foot-Steps of the Lord's Anointed, constantly to insinuate into the Minds of the People, that his late Majesty was the Occasion of the *Irish* Rebellion, and that it was not suppressed, was perpetually charged to his Score, as the Reader will hereafter have frequent Opportunity to observe; but that the direct contrary, was the most evident Truth I doubt not, but from many clear and undeniable Testimonies, I shall be able in the following Collections to Evince, even beyond all possibility of Doubting.

The *Irish* Rebels indeed at first made his Majesties Authority a pretence for their Treasonable Rebellion, as in due time we shall see, and the *English* Rebels as greedily laid hold upon that wicked and groundless Pretension, as if it had been the greatest Reality; but to manifest how false both the one and the other Calumny was, I will give a short hint, out of the abovementioned Book of the Earl of Orrery, where I find these Words.

"In



Novem.

1641.

Earl of Orre-  
ries Answer to  
P. W. p. 29.

" *In the Year 1641, speaking of the beginning of the Rebellion, the*  
 " *Irish Papists, saith he, pretended His Majesties Authority, the preten-*  
 " *ding whereof, having been so horrid a Sin, for it was no less than to*  
 " *have Intituled His Sacred Majesty to all their unparalell'd Crimes, nay*  
 " *to have made him the Author of them; I think it a Duty to the memo-*  
 " *ry of that Glorious MARTYR, to present the Reader, with what*  
 " *will clearly Evince their Malice to be as great as His Majesties In-*  
 " *nocence; I will therefore only cite the Preamble of their own Remon-*  
 " *strance delivered by the Lord Viscount Gormanston, Sir Lucas Dillon,*  
 " *and Sir Robert Talbot Baronet, to His Majesties Commissioners at the*  
 " *Town of Trim in the County of Meath, on the 17th of March 1642.*  
 " *In which Remonstrance of Grievances, for so they called it, after they*  
 " *had taken notice, that His Majesty had Authorized Commissioners to*  
 " *hear what they should say or propound, these very words follow, Viz.*  
 " *Which Your Majesties Gracious and Princely favour we find accom-*  
 " *panied with these words, viz. Albeit we do extremely detest the*  
 " *Odious Rebellion which the Recusants of Ireland have, without*  
 " *Ground or Colour, raised against Us, Our Crown and Dignity. Words,*  
 " *adds he, which deserve to be written with A Beam of the Sun, as an*  
 " *Eternal Monument of His Majesties Justice, and their Guilt; Nor*  
 " *were they spoken in a Corner, but spoken under the Great Seal of Eng-*  
 " *land, and even in that Commission which those false Accusers were to*  
 " *see, and hear Read; and by those Expressions they were sufficiently*  
 " *provoked, to have pleaded that Authority, which they so falsely preten-*  
 " *ded, had they had the least shadow for so black a Calumny. So far the*  
 said Earl.

P. W's Answer  
to the L. Or-  
rery, p. 58, 59.  
Sec. 81.

But in regard I find his Lordship Accused in this very Passage, by P. W. in his Answer to that Book, as guilty of omitting the Clause immediately following, *Viz. Which Words we do in all humility conceive to have proceeded from the misrepresentation of our Adversaries, and therefore do protest, we have been most maliciously traduced to Your Majesty.* Although the said P. W. doth very honestly acquit his Majesty of that horrid Scandal, ingenuously acknowledging it was Sir Phelim O'neal's invention, p. 57. Sec. 79. Yet to supersede all further doubting upon this occasion, I will present the Reader with a Paper which his Grace the Duke of Ormond is pleased to oblige him with; which will abundantly manifest not only the Innocency of the late illustrious Martyr, but shew the true temper of those his inhumane Murderers, who would have given Sir Phelim O'Neal, by the allowed confession of all Men, one of the most Bloody of all the *Irish* Rebels, not only Life and Liberty, but a plentiful Reward, if he would have confirmed this notorious Calumny; but the Papist had it seems for that time, a far better Conscience of Honesty and Honour then those impenitent Rebels and Regicides, who called themselves the True Protestants; for all these Temptations could not prevail with him, to buy his Life at the Rate of a Sin which even to him appeared greater then all his other bloody Inhumanities and Cruelties. The Paper follows.

Dr. Ker the  
Dean of Ar-  
dagh his De-  
position con-  
cerning the  
Calumny  
thrown upon  
K. Charles the  
Martyr, for  
giving a Com-  
mission to the  
Rebels in Ire-  
land.

**I** John Ker Dean of Ardagh, having occasionally discoursed with the Right Honourable George Lord Viscount Lanesborough, concerning the late Rebellion of Ireland, and his Lordship at that time having desired to certify the said Discourse under my Hand and Seal, do declare as fol-  
loweth.

That



That I was present in Court when the Rebel Sir Phelim Oneal was brought to his Tryal in Dublin, and that he was Tryed in that Court which is now the High Court of Chancery; and that his Judges were Judge Donelan, afterwards Sir James Donelan, Sir Edward Bolton Knight, sometimes Lord Chief Baron of the Exchequer; Dungan, then called Judge Dungan, and another Judge whose name I do not now remember. And that amongst other Witnesses then brought in against him, there was one Joseph Travers Clerk, and one Mr. Michael Harrison, if I mistake not his Christian name; and that I heard several Robberies and Murthers proved against him, the said Sir Phelim, he having nothing material to plead in his own defence: And that the said Judge, whose name I remember not as abovesaid, Examined the said Sir Phelim, about a Commission, that the said Sir Phelim should have had from Charles Stuart, as the said Judge then called the late King, for levying the said War: That the said Sir Phelim made Answer, That he never had any such Commission; and that it was proved then in Court, by the Testimony of the said Joseph Travers and others, that the said Sir Phelim had such a Commission, and did then in the beginning of the said Irish Rebellion shew the same unto the said Joseph, and several others then in Court. Upon which the said Sir Phelim confessed, that when he surprised the Castle of Charlemount, and the Lord Caulfield, that he Ordered the said Mr. Harrison and another Gentleman, whose name I now do not remember, to cut off the King's broad Seal from a Patent of the said Lord's, they then found in Charlemount, and to affix it to a Commission, which he the said Sir Phelim had ordered to be drawn up. And that the said Mr. Harrison did in the face of the whole Court confess, that by the said Sir Phelim's order he did stitch the Silk Cord or Label of that Seal, with Silk of the Colours of the said Label, and so fixed the Label and Seal to the said Commission; and that the said Sir Edward Bolton, and Judge Donelan, urging the said Sir Phelim, to declare why he did so deceive the People? He did Answer, That no Man could blame him, to use all means whatsoever to promote that Cause he had so far engaged in. And that upon the second day of his Tryal some of the said Judges told him, that if he could produce any material proof, that he had such a Commission from the said Charles Stuart, to declare and prove it before Sentence should pass against him, and that he the said Sir Phelim should be restored to his Estate and Liberty: But he answered, That he could prove no such thing; nevertheless they gave him time to consider of it till the next day, which was the third and last day of his Tryal. Upon which day the said Sir Phelim being brought into the Court, and urged again; he declared again, that he never could prove any such thing as a Commission from the King: And added, that there were several Outrages committed by Officers and others his aiders and abettors in the management of that War, contrary to his Intention, and which now pressed his Conscience very much; and that he could not in Conscience add to them the unjust Calumniating the King, though he had been frequently solicited thereunto by fair Promises and great Rewards while he was in Prison. And proceeding further in this discourse, that immediately he was stopt, before he had ended what he had further to say, the Sentence of Death was pronounced against him.

And I do further declare, That I was present, and very near to the said Sir Phelim when he was upon the Ladder at his Execution; and that one Marshal Peake, and another Marshal, before the said Sir Phelim was cast, came riding towards the place in great haste, and called aloud, stop



Novem.

1641.

a little, and having passed through the throng of the Spectators and Guards, one of them whispered a pretty while with the said Sir Phelim, and that the said Sir Phelim answered in the hearing of several hundreds of People, of whom my self was one, I thank the Lieutenant General for his intended mercy, but I declare, good People, before God and his Holy Angels, and all of you that hear me, that I never had any Commission from the King for what I have done, in Levying or Prosecution of this War, and do heartily beg your Prayers all good Catholicks and Christians, that God may be merciful unto me, and forgive me my sins. More of his Speech I could not hear, which continued not long, the Guards beating off those that stood near the place of Execution.

All that I have written as above, I declare to be true, and am ready if thereunto required, upon my Corporal Oath to attest the truth of every particular of it. And in Testimony thereof do hereunto Subscribe my Hand, and affix my Seal, this 28th day of February 1681.

John Ker, *Locus Sigilli.*

Nor will it appear at all strange to Posterity, that those Infamous Usurpers, of the Presbyterian and Independent Faction of the Parliament, who afterwards Murthered his Sacred Person, should attempt to Assassinate the Fame and Honour of that Royal Martyr; but when under the Just and Easie Government of the Son of that Father, persons who seem extremely solicitous for the Truth, and to deliver the most impartial account of those Affairs to Posterity, shall adventure to dip their Pens in the same Ink, and revive the old sleeping Calumnies, and Insinuations, it will be absolutely necessary by way of precaution to future Ages, to set some Mark upon them, and to do Justice to the Memory, especially of that Injured and Oppressed Prince, by clearing it from these false and unjust Aspersions; lest otherwise he should again suffer a Martyrdom in his Innocent Memory, and after times come to entertain suspicions that the Crimes objected against him were not altogether Groundless, since they find them supported by those who seem to have espoused his Interest, and who make such fair pretensions to exact Truth in the Relation of this Horrid Rebellion.

I will not insist upon a late Paper which hath already received the marks of His Majesties just displeasure, for insinuating a Scandalous Reflexion upon his Royal Father in affirming, *That the Committees of the Parliament of Ireland, were in at the Intrigues of the Popish Faction at Court*: which words, however endeavoured to be palliated, with a Restriction only to the Papists, who without employes of Ministers or Privy Councillors, followed the Court contrary to Law, yet in the Natural import must signifie, a Managing, Plotting, and Designing People, to whom for their Interest and Power, the Committees made this Application; and what ever Construction Loyal Subjects may make of such Words, the Turbulent and Factionous always, by Faction at Court, understand those Ministers of State and Privy Councillors, whom they, according to the Liberty they take, are wont to call also Evil Counsellors, Popish Councils, of which it is easie to give a Thousand Instances; and how dangerous such Reflexions are to the Government, his late Majesty sufficiently felt, and his Son our Royal Sovereign hath had just ground to fear; and the more when they are propagated by persons, whose Station gives them a Popular Credit, and evil disposed persons will



will be apt to draw inferences from such Authorities, to support the dangerous Calumny against the Court of the Son, of which the Fathers is, how falsely soever Accused.

Novem.

I 64 I.

But though I insist not upon this, Books of that bigness, being not long lived in the World, especially when so marked by publick reprehension, yet I cannot pass by what a late Historian, whose Works are more likely to survive the present and some future Ages, has upon this subject interspersed, to the Scandal of his late Majesty, and one of his most Faithful and Loyal Subjects, his Lord Lieutenant of *Ireland*, the then Marquess, now Duke of *Ormond*; whose generous fidelity to the Crown of *England*, and constant services to the Church and State, the Protestant Religion and Interest, and his wise conduct of the Affairs of *Ireland*, with which he hath been so successfully entrusted by his Royal Master, might have expected a far better treatment, then now, when the signal hand of Providence hath, as a Recompence of his Loyalty and Sufferings, conducted his Grace to an Age of Glory, to raise new storms of Detraction against his Reputation and Honour, even when he seems to have come to an Anchor, in the Favour of his Prince, and the esteem of all good and faithful Subjects to the Crown.

The History, though his name is not affixed to the Title, goes generally under the name of Dr. *Borlase's*; and if it be so, Dr. *Borlase* must excuse me, if I take the liberty to affirm, that he has not followed Old *Tully's* Honourable Character of an honest Historian, *Ne quid falsi audeat dicere*, of which I think he hath not only failed in many particulars, but again raised up the Spirit of Detraction *Of the Good Old Cause*, to persecute the Ashes of the Illustrious Martyr, and wound the future Honour of his most faithful Ministers.

Some Animadversions upon Dr. *Borlase's* History of the Execrable *Irish* Rebellion.

I do not intend to write a solemn Confutation of his Book; and more then that, I do think it in many things true, and so useful, that I shall make use my self of such Authorities in it, as are fortified by Truth; but I must still have freedom, to dissent from him wherever hereafter I find him discrepant from Truth.

I shall only in this place in short take notice of some few passages, wherein he seems not only to swim down the Popular Torrent of the Calumnies of the late times of Usurpation, but to bring the Stream of his own Sentiments and Reasonings, to supply that Channel which was so near dry as to be almost Fordable by the most indifferent Understandings, in the Transactions of the late Troubles; and in my Opinion are of so dangerous Consequence to the raising of new ones, that nothing but an ingenuous Confession, of not attending to the Consequences of reviving and promoting such insinuations, can make any tolerable excuse for the mischiefs they may do, and an indeavour to prevent them by making the acknowledgment of the mistakes as publick as the mistakes are dangerous.

But since, as I lately am informed, the Author is by his Death put out of the possibility of making that Reparation to the Government; I think it of absolute necessity to shew the World those mistakes which surviving in his Writings, if not detected, may do more mischief after his Death, then his publick Recanting and Retracting of them could have done Justice to the injured Memory of his late Majesty, his Ministers and Government, had he lived and been so ingenuous as to do it.

And first, He seems to stumble at the very Threshold of his Work in matter of Fact, which is but an Ominous setting out for an Histori-



Novem.

1641.



an, and must be either out of Ignorance or Design, either of which are very ill Ingredients towards the composing a History : An instance of which, in the very first Page, in the Margin he calls *Richard Belling. R. B.* a zealous Nuncionist. Whereas, though it is true that he was employed by the Supreme Council to *Rome*, and his Negotiation was the occasion of sending the Nuncio over into *Ireland*, yet when he found the Nuncio and that Party to have other Designs then meerly the obtaining Liberty for their Religion, as at first they pretended, none were more zealous in opposing them then Mr. *Belling* ; or in promoting the Peace, and submitting the *Irish* to the King's Authority ; he was one among others of the supreme Council, who disavowed and appealed from the Sentence of Excommunication, procured against the Lord Lieutenant and his Adherents ; as is evident by a Book which he wrote in answer to one published by *French*, the Titular Bishop of *Fernes*, written in Justification of the Rebellion, and the aforesaid Excommunication.

" Pag. 5th of the Preface, he saith, *The Cessation was managed by sub-*  
 " *tile Instruments of State* ; And because these Words are a little Myste-  
 " rious, p. 29th of the said Preface he Explains himself, speaking his  
 " own Sentiments in the Language of Col. *Crafford's Remonstrance*,  
 " where he hath this passage : *When I first enter'd on this History, I*  
 " *propo'd to my self a Series of the Whole, but prest with my own Affairs,*  
 " *and matter increasing plentifully upon me, I held it rational to Sum up*  
 " *the Whole, after I had brought it to the Cessation* ; which some \* had  
 " an apprehension was not a less Plot to deliver the Remainder of his  
 " Majesties true Subjects into the Rebels hands, and to root out the  
 " Protestant Religion, then what was commenced the 23 of October,  
 " 1641. *But the Articles of that Cessation speak otherwise, necessity be-*  
 " *ing the Ground thereof, legible in His Majesties Motives to a Cessation*  
 " *the 19th of September, 1643. Which afterwards was highly Contro-*  
 " *verted, and in the end so infeeble, as the War ( according to the first*  
 " *intent ) was ( after the Long Parliament grasp'd all ) pursued with*  
 " *vigour and success.*

\* Col. *Craff-*  
*ford's Remon-*  
*strance, pag. 5.*

Observe this  
 passage.

The Regicides, and *Irish* Papists might have sharper Swords, but surely they had not blacker Ink then Dr. *Borlase* ; for either he thought that this passage, *Of some thought the Cessation a greater Plot against the Protestant Interest and Religion, then that of the Irish Papists*, Octob. 23, 1641, was either True, or else the most malicious Compendium of Scandal, that ever the Regicides or *Irish* Rebels endeavoured to fix upon His Majesty ; if he thought it false, he should without mumbling the matter between the Teeth of so many Parentheses, as he does where he seems to contradict it from His Majesties motives, and the Articles ; I say, he ought either not to have mentioned it at all, or to have given it a lasting brand of Infamy. For by this intolerable Reflection the Character of a worse Plot is put upon His Majesty, then the execrable *Irish* Rebellion to betray the Protestants and their Religion ; since he himself in the 118, 121, 124 and 132 pages of his History, produces His Majesties Letters to the then Marquess now Duke of *Ormond*, and the Lords Justices, *Borlase* and *Tichburn*, expressly commanding the making of that Cessation for one year. And I think to fix this upon the King, exceeds even the *Exit Tyrannus, Regum Ultimus* of the Rebels. And therefore all along his History he makes *some body or other*, still thinking this Cessation a great Plot against the Protestants, and extolls the management of the Parliament, who were against it ( *after they had grasp'd*



grasp'd all) for vigorously and successfully prosecuting the War: and indeed it is very suspicious, that he both thinks, and would have others think this Cessation a *Real Plot*; and that he hath a great Kindness for the *English* Parliament Rebels, appears by the Tenderness he expresses for them, as in this Place, as if they were in good earnest against the *Irish* Rebels, and the King in good Earnest for them, so also P. 135. where he hath these sweetning Words, *And indeed to give the Parliament their due, when they had reduc'd the Affairs of England to their own Module, the Rebels of Ireland were frequently Chastized, and so affectionately pursued, that neither Men, Money or Courage was wanting to that Service.* Expressions so kind and tender, that one is tempted to believe, these were some of the Nameless Worthies he mentions in his Preface Pag. 25. "*It may be, saith he, some ( whose Excellency consists in Detraction ) will think ( by this ) I had a particular Design ( besides the History ) to preserve the Memory of \* some, who ( otherwise ) in tract of time might be lost in the Common Rubbish: and I dare not disown those Conjectures, the deserving being to be in Everlasting Remembrance; Nor hath it in all Ages, and amongst the Worthiest Persons been esteemed Pride, but Justice to Erect Memorials and Altars to Meriting Heroes. And I think by this Passage, he did not intend to put the Greatest Hero and Martyr into his Calender, unless it be to Note him Nigro Carbone.*"

Novemb.  
1641.

\* If these Some were not some of the Illustrious Parliament Regicides, as Irton, Cromwell, &c. why does he not Name them?

I shall have Occasion to satisfy the Reader more particularly, when I come to the *Uxbridge* Treaty, and the Papers which then passed betwixt the King and the Parliament; in the mean time, in short, this was the true State of the Matter, and then let the World judge, what Ground Dr. *Borlase* hath to revive this black Scandal against his late Majesty, and his Grace the Duke of *Ormond*.

The Reasons for making this Cessation, were plainly the miserable Condition, which that part of the *English* Army, under the Command of the Marquis of *Ormond* was reduced unto, because neither he, nor the Officers and Soldiers under his Command, could be threatned or perswaded, to favor the two Houses of Parliament, in the War they made against the King, whilst the *Scotch* Army were at the same time plentifully provided for; so that those who would not be of their Party, had no choice beside the Cessation, but to forsake their Allegiance, or Starve.

Besides, the Parliament saw evidently, That if a Cessation were concluded, and a Peace should follow upon it, the King would receive considerable Supplies of Men from *Ireland*; which made them to save their own Heads, forfeited to Justice, so violently Oppose the Cessation, thò they pretended other Reasons of Religion and Conscience, under which Cloaks, they covered the most Impious and daring Villainies, which ever the Sun beheld.

I might produce other Passages, but must desire the Readers Excuse for the present, till they naturally fall in my Way, but I cannot omit one more P. 304. where he hath these very Words. "*And certainly whatsoever conspired to complete so execrable a Design, as the Murther of the King, nothing contributed more than the Irish deluding his Sacred Majesty, so long with their Promises of a Competent Army, whereby he relying on them ( too confidently Assured of their Ability and Power to perform it ) deferred those Agreements, which else he might have seasonably composed at home.*"

This is a Calumny so black, and yet so Fertile and Politick, that it doth



Novem.

1641.

doth not by Retail, charge the Fatal Miscarriages of the late War upon the evil Counsellors and Ministers, as the more modest Regicides did, but delivers them in Gross, and by whole-Sale upon the King; making him, *by deferring those Agreements, which else he might have seasonably composed at Home, a felo de se*, and Guilty of his own Execrable Murder. When all the World knows, those Agreements which he might so seasonably, as our Historian saith, have made, were upon no easier Conditions, then parting with his Crown and Scepter, and contenting himself with the empty Name of a King, and that too, at the discretion of the two Houses, who would have the Sword and the Purse of the Nation at their absolute Command.

It is certainly true, this perfidy of the *Irish*, did Contribute much to his Majesties Ruine, but it is as certain, that other things conspired more, the Obstinacy of the *English* Rebels, whose Flagitious Guilt, would not permit them to think any thing less then his Death, could secure their own Lives and Usurpations: and certainly the Calumnies and Detractions, of favoring Popery, and Designing to Govern Arbitrarily, of countenancing the *Irish* Rebellion, *and contriving to deliver up the Remainder of the Protestants and their Religion by the Cessation, &c.* which Calumny Dr. *Borlase* has taken Care to revive, contributed more to his Majesties execrable Murder; for with these Slanders and Aspersions, they at first Poisoned the Minds of the Credulous Multitude; by these Incentives and Motives, they hurried them on to an open Rebellion, by these Arts they supported the War, and overcame the Loyal Party; and, in fine, by these pretended Crimes they blackned his Majesty, and brought his Royal Neck to the Infamous Block: and for what Reasons Dr. *Borlase* should again raise these Hellish Calumnies to Possess the People, at a Time when the very same Faction of Sectaries and Republicans, were putting the Nation into the Old Ferment of Fears and Jealousies, it will be difficult to conjecture, unless it were to inspire the present Age, with Animosities and Hatred against his Majesty, his Ministers and his Government, as pursuing the same Methods, with which he falsely Arraigns the Memory of his Royal Father, and by the same wicked Arts, to Compass and Effect the same unparalell'd Mischiefs and Villanies.

The truth is, when it is considered, by what Stars he directed his Sails, it will be apt to Confirm the Belief that he hath received his Measures from some Persons, whose Interest it is to have their own Actions palliated, and those of his Majesties most Loyal Subjects, who followed the Marquis of *Ormonds*, as he did his Majesties Directions, lessened and vilified, and I cannot see the Sketch of his History drawn by the Hand of the Bishop of *Meath*, without which he saith P. 19. of his Preface, *The History must want much of its due Method, and more Eloquence*, without giving a short Stricture upon that Prelate, and then leaving it to the most Partial Judge to determine, what Right the King and Royal Party, and particularly his Grace the Duke of *Ormond*, are to expect from such an Historian and such a History, when one of his principal Authorities, *from whom he saith, he had several Passages in the insuing History*, was in actual Arms in the Parliamentarian Party, who though they fought against the Rebels, yet were no less Enemies to the late King, then the *Irish* Rebels whom they opposed.

This Bishop of *Meath* was in the beginning of the *Irish* Rebellion, a Dean



Dean in *Ireland*, Nephew to Primate *Usher*, and being delivered from the Danger he was in, by a Gentleman of the *Reyleys*, who also saved many other Protestants Lives, by conveying such as put themselves into his Protection, safely into the *English* Quarters, Feeding and Clothing such as were Stript and in Necessity, the Doctor when he came to *Dublin*, was imployed to take Examinations of all the *English* and Protestants, that had scaped the Fury of the first Insurrection; he was afterwards sent to *London*, to sollicite for Relief for the distressed Protestants of *Ireland*, either from the Parliament, or by Contributions from Charitable Persons: upon his Return from that Negotiation, he was made Bishop of *Clogher*, by the Recommendation of the then Marquis of *Ormond*, and so continued till the Surrender of *Dublin*, into the Hands of Mr. *Arthur Annesley*, now Earl of *Anglesey*, and other Commissioners from the Parliament; and that Bishops Hand is to an Address to the Marquis of *Ormond*, among other of the Clergy, by the Name of *Henry Jones*: But after, when *Dublin* was given up, and the Parliaments Forces prevailed in the whole Kingdom, saving the *Irish* Quarters, he so far complied with those Anti-Episcopal Regicides, as that from a Bishop, he became a Scout-Master General, changing his Episcopal, nay even his Ministerial Habit, into a Military, the Sword of the Spirit, into one of Steel, and upon Occasion dying it in the Blood of his Enemies. However upon the King's happy Restauration, wherein he was in his Station in *Ireland* Instrumental, he was for that Reason, notwithstanding his Irregularities restored to his Bishoprick of *Clogher*, and afterwards promoted to be Bishop of *Meath*.

The Reader possibly will look upon this, as a large Digression, but I hope the Influence, it must necessarily have towards the Discovery of Truth, will frame an easy Apology for me; and possibly I should not at this time so soon have dismissed the Doctor, without acquainting the Reader how personally, by the Propension of his own Inclinations, he was interessed to be Partial to the Actions of those Persons, Things and Times, whose Principles he had so warmly Espoused, being declaredly of the late Parliament Faction, but he being not now in Condition to Answer for Himself, common Humanity inclines me to be sparing in that particular, and where I have Occasion to contradict his History, only to shew how he hath deviated from the Integrity of a just Historian.

Having thus cleared my own Way, and I hope dispelled some of those Mists, which otherwise might make me not only apt to mistake my self, but also unable to Guide others in these *Irish* Affairs, I am in the Next place to give the best account I am able, of the Reasons, Grounds and Occasions of this detestable Insurrection; wherein I do assure the Reader I will endeavour to hold the Beam of Truth with all the Integrity I possibly can; and will solemnly avow, That I know no Temptations in the World that are capable of removing me one single Hairs breadth, out of the Honorable Paths of Truth and Honesty.

It is therefore agreed on all hands, That for some time before the Eruption of this Flaming Rebellion, the Affairs of *Ireland* were in all humane appearance in a better Condition, then Generally they had been since the Accession of that Kingdom to the Crown of *England*: You shall hear my Lord *Orrery's* Account of it in his forementioned Book, p. 10, 11. where he saith, "*The Wisest of Men thought the Irish Papists fastned to his Majestie, in the Tear 1641, by the best of Governments;*

"and

Novemb.  
1641.

E. of Orrery's  
Answer to Peter  
Walsh.



Novemb.

1641.

“ and to the English Protestants, by the strictest ties of Interest, Friendship, Marriage, and, which is more in their Esteem, Gossipping and Fostering; to the Publique Peace by their as flourishing, so free Condition; and to all, by those Royal Graces, which his Sacred Majesty at that time indulged their Commissioners, such as themselves desired, ’twas but then ask and have: Yet all this Honey was turned into Gall, for at that very time wherein the King was Exercising such high Acts of Grace to them, the Irish Papists plotted and soon after perpetrated the Worst of Rebellion; the Worst Extensivè, Exulcerating generally; and Intensivè, breaking forth with more Perfidie, Barbarism, and Cruelty, than can be parallel’d in any History.

The great motive at least in pretence was Religion; For whereas Dr. Borlase in his Preface, saith, *It is Evident they never had so free Exercise of their Religion, as when the Rebellion began*: It is Evident that he is mistaken, even by the Testimony of the Person of whose Book he saith, p. 7th of his Hist. in the Margin, *It was a Piece of that Integrity few can Equal, none Exceed*; who could have informed him, that this free Exercise of Religion, was only clancular and in private.

But they evidently saw, that the Calumnies cast upon the late King as a Favourer of Popery, was one of the principal Engines by which the Factious part of the Parliament of England alienated the affections of all his Majesties English and Scotch Protestant Subjects from him; besides the Severities which the Parliament provoked the King upon his peril to inflict upon the Papists in England and Scotland, was made Use of by the Popish Clergy to drive them into a Rebellion, by insinuating, That if the Parliament could bring the King under their Government, there was nothing to be Expected, but the total suppression of their Religion, and the Eradication of their Nation: In confirmation whereof, it was confidently averr’d to them, That a \* Member of Parliament concern’d in Ireland, did in the House of Commons declare in a Speech, *That the Conversion of the Papists in Ireland was only to be Effected, by the Bible in one hand, and the Sword in the other*: And I have been told by a Person of Honour and Worth, that Mr. Pym gave out, That they would not leave a Priest in Ireland: Nor could their Committees who were here be ignorant of these Passages, or being many of them Papists, not communicate it to the Irish Papists.

Another Encouragement to this Rebellion, was the Example of Scotland, as appears plainly by Connelly’s Deposition, who was told by MacMahon, that, *they did this to imitate Scotland, who got a Priviledg by that Course*. And the Confession of the Lord Mac-guire, which the Reader shall presently see, does not obscurely hint, That the Earl of Argyle the Head of the Covenanting Rebellious Scotch Presbyterians, was under-hand working the Irish into some Conspiracy against the King, probably that his hands being full, they might procure better Terms for themselves, and divert the Storm of the English Arms, which then were impending upon them.

Nor was the taking off the Earl of Strafford, that Great, Wise, and Valiant Man, a little contributing to this Irish Tragedy; for besides, that it is visible that the Irish Committees who were many of them Papists, were highly instrumental in furnishing the English Parliament with matters of Complaint and Accusation against that Noble Lord, for which they were mightily at that time, tho’ known Papists, caressed by the Earl’s Enemies in the Commons House, so it is no less Visible, that this

Design

Sir John Temple Irish Reb.  
P. 26. 27.

\*Sir John Clotworthy.



Design of theirs, though it had been long contriving, advanced more in half a Year after his Vigilant Eye was taken off their Actions, and his Hand from the Reins of the Government, then it had in all the time before, as will plainly appear by *Mac-guire's* Confession.

And in Confirmation of this, I think it a Debt due to the Illustrious Memory of that Great Man the Earl of *Strafford*, whom I cannot name without and Pity Wonder, to insert part of a Letter of his, to his Dear and Intimate Friend Mr. *Wandesford*, then Master of the Rolls, and one of the Lords Justices in 1636, wherein he acquaints him with the account which he had given in to the King and Council, of the state of Affairs in *Ireland*, which he doth in these Words;

**I** Informed them, That the Army was well Clad, reasonably well Armed, (but should be better,) well Exercised, and well Paid, which they had never been before; That I had visited the whole Army, seen every single man my self, as well in his own person, as in his Exercising, where other Generals that had continued that Charge longer then my self, had not taken a view so much as of one Company; that in the Removes and Marches of the Army, they pay'd justly for what they took, and passed along with Civility and Modesty, as other Subjects, without Burden to the Country through which they went; whereas formerly they took the Victuals and paid nothing for it, as if it had been in an Enemies Country; whence it was, that the Soldier was now welcom in every place, where before they were in abomination to the Inhabitants; That by this means, the Army in true account might be said to be double the Strength, as it had been; That this was so apprehended by the ill-disposed, as there is neither Courage nor Hope left for opposition; the good Subjects secured, the bad kept in humility and fear by it; That they were worthy of the Kings Entertainment, and when they shall be seen, will appear with a Company of gallant Gentlemen their Officers, fit to serve a Great and Wise King: whereas not much of this before, but rather quite the Contrary. That for my self, I had a dead Stock in Horses, Furniture and Arms, for my Troop, that stood me in 6000 l, that so I was in readiness upon an hours warning to march; nor did I this out of Vanity, but really in regard I did conceive it became me not to represent so great a Monarch as his Majesty, meanly in the sight of that People; and that it was of mighty Reputation to the Service of the Crown, when they saw me in such a Posture, that I was upon an hours Warning able to put my self on Horseback, and that the Soldiers should see I would not Exact so much duty from any private Captain, as I did impose upon my self being their General.

Lastly, it was my humble Advice, That the Army, as of absolute Necessity to the Government, was rather to be reinforced, then at all diminished, as being an Excellent Minister and Assistant, in the Execution of the Kings Writs; the great Peace-maker betwixt the Brittish and Natives, betwixt the Protestant and the Papist, and the chief Securer, under God and his Majesty, of the Future and Past Plantations.

His Lordship also moved, That he might be permitted to keep a constant Fund of 20000 l. in the Exchequer in *Ireland*, to be ready upon all occasions; And certainly had he continued his Life, and this Well-laid Way of Managing the spirits of some of the Old *Irish* Especially, there is all the probability, that humane affairs can afford, that the *Irish* had not made themselves so miserable a Nation, as by that Barbarous Rebellion



Novemb.  
1641.

they did ; and that the *English* Rebellion which was wonderfully influenced by it, either had not been at all, or had never arrived to those accursed Successes and Period ; for at least he would have kept the *Scots* imployed at home, if he had not assisted the King with Men here in *England* against the Rebels.

But to proceed, what ever *Fucus* of Religion, these, as well as the *English* Rebels afterwards, might make Use of, to paint the *Jezabel* of Treason, there was a Desire of shaking off the Government and Dependency upon the Crown of *England*, at least in some of the *Irish*, as will plainly appear in their Ensuing Actions ; and what ever the other Motives and Occasions of this Defection were, undoubtedly the *English* Rebellion which followed this so closely at the heels, disabled the King from having the Power, as he had the Will to have hazarded his Royal Person, to suppress it, in its Infancy ; by reason whereof it came to be of so long Continuance, and *Ireland* to drink so deeply of the Calamities which attended this Dreadful Rebellion.

There were several other Concomitant Actions even of the Governing part of the Nation, who were many of them Parliamentarians in Heart, and afterwards violently so in their Actions, which did increase and heighten the despair of the *Irish* ; and I have seen some Minutes of the Council-Board, which aver, That Sir Charles Coot said, *That when Sir Luke Fitz-Gerald misdemean'd himself before the Board, by incivil Words toward a Member of the Board, he let him have the line, and would not reprehend him, in hope he would go into Rebellion, for he saw he would do so, and that the more that were in Rebellion, it was the Better* : And certainly there were some unjustifiable Severities Used, by the Lords Justices and Council, as prohibiting the *Irish* to come to *Dublin* upon pain of Death, by Three successive Proclamations, and afterwards burning their Houses, &c. for giving Entertainment to the Army of the Rebels, one of the two being unavoidable ; their making Prisoners and Indicting such of them as came in and submitted to the Marquess of Ormond, in hopes of kind Usage, notwithstanding his Intercession for them, and the advantage they might reasonably Expect, such Clemency would be to them, in order to reclaiming the more Moderate, and such as had complied with the Rebels out of pure Necessity ; of which ill Treatment I shall produce one of their Letters to the Marquess of Ormond, with an Express Command from the Lords Justices and Council for his so doing. Which Letter was as followeth,

A Letter from the Lords Justices and Council, to E. of Ormond, to prosecute the Rebels with Fire and Sword, &c. Martii 9. 1641.

**A**fter Our very hearty, &c. We the Lords Justices have received your Lordships Letters of this dayes date, which we communicated with the Council ; and having taken the same into Serious Consideration, after deliberate Advisement thereof at this Board, We have thought fit to return your Lordship this Answer :

That calling to mind the Reasons, moving this Board to take the Resolution Expressed in our Order dated the 3d. of this Month concerning the present Expedition, and considering divers other Weighty Reasons now appearing to us in Council, and for that also we have by our last Letters into *England*, as your Lordship knowes, made known thither, That your Lordship with 3000 Foot and 500 Horse was immediately to March into the Pale, to burn, spoyl and destroy the Rebels of the Pale, without excepting of any ; And for that the direction we Expected forth of *England* concerning the Lords of the Pale did not concern this Matter, We therefore think fit,

First,



*First, That according to that Order of this Board you pass not beyond the River of Boyne, but March in such places between the Boyne and the Sea as your Lordship shall think fit.*

*Secondly, That those that offer to come in, be in no other manner taken in, then as Prisoners, taken by the Power and Strength of his Majesties Army, as in truth it is; and if any of them come to the Army, that if it may be the Soldiers do seize on them, before they have access to your Lordship, and that afterwards they be denyed access to your Person.*

*Thirldly, That no difference be made between the Noblemen that are Rebels, and other Rebels, but that their Houses and Goods be dealt with as other Rebels are in manner, as in our said Order dated the 3d of this Month is Expressed, which we now again recommend to your Lordships observation.*

*In the last place, We render Thanks to your Lordship for your Letters, praying your Lordship to be as Frequent as you may in Advertisements to us during your Absence: And in case you find the necessity of the Service to require your absence from hence for a longer time, then the 8. days mentioned in our Order of the 3d of this Month, We are pleased, That your Lordship be absent two or three days longer, if you find all things concurring therein to the advantage of the Publique Service, in case in the interim you receive no direction from us to the contrary. And observing no mention in your Letters of having consulted with Sir Richard Greenfield, as with other Commanders, We pray your Lordship, That as there may be occasion you call him to such Consultations. And so we bid, &c. from his Majesties Castle of Dublin the 9th of March, 1641.*

Your Lordships very Loving Friends,

*William Parsons,  
John Borlase,  
R. Dillon,  
J. Temple,*

*Charles Coote,  
Th. Rotherham,  
Fr. Willoughby,  
R. Meredith.*

Postscript,

*When Your Lordship shall have perused and signed the inclosed, We pray you to cause it to be conveyed to Sir Henry Tichburne.*

To our very good Lord James Earl of Ormond, &c.

The Reader will ineet with several others of these fierce Commands, in the Series of their due time, only I could not omit inserting this in this place, though a little before its proper time, to clear this Point, and to vindicate the Reflections of his late Majesty in his Remarques upon this Rebellion, as well as his future Actions, in displacing some of these fiery Men, and putting others of better Temper in their places; which it will appear he did with great Justice and Prudence; and if he erred in any thing, it seems to be in that he did not do it sooner, before they had blown the Nation into so Universal a Flame of Rebellion by their Rigid Presbyterian Severities, which come no whit behind their Brethren in Cruelty the Papists, in their Unchristian *Evangelium Armatum*, and propagating Religion by Fire and Sword.

And because it will give us a great light into the Causes of this dreadful Rebellion, for which we are now searching, let us hear what that



Novemb.

1641.



Εἰκὼν Βασιλέ-  
ων. Cap. 12.  
Upon the Re-  
bellion and  
Troubles in  
Ireland.

excellent Prince sayes, upon this Subject in those Cool and Melancholy Minutes, when he had too much Leisure to write his Innocent Thoughts, and to Steal some respite, from the Pressures of his Sufferings, and Intolerance of his Insulting Enemies, by the retired Divertisements of his Incomparable Pen.

“ **T**He Commotions in *Ireland* were so sudden and so violent, that it was hard at first either to discern the Rise, or apply a Remedy to that precipitant Rebellion : Indeed that Sea of Blood which hath there been Cruelly and Barbarously shed, is enough to drown any man in Eternal, both Infamy and Misery, whom God shall find the malicious Author or Instigator of its Effusion.

“ It fell out, as a most unhappy advantage, to some Mens Malice, against me, that when they had impudence enough to lay any thing to my Charge, this bloody opportunity should be offered them, with which I must be aspersed ; although there was nothing which could be more abhorring to me, being so full of Sin against God, Disloyalty to my Self, and destructive to my Subjects.

“ Some Men took it very ill not to be believed, when they affirmed, That what the *Irish* Rebels did, was done with my Privy, at least, if not by my Commission : But these knew too well, that it is no news for some of my Subjects to fight, not only without my Commission, but against my Command and Person too, yet all the while to pretend they fight by my Authority, and for my Safety.

“ I would to God, the *Irish* had nothing to alledge for their imitation against those whose blame must needs be the greater, by how much Protestant Principles are more against all Rebellion against Princes than those of Papists ; Nor will the Goodness of Mens Intentions excuse the Scandal and Contagion of their Examples : But whoever fail of their Duty toward me, I must bear the blame ; this Honour my Enemies have always done me, to think moderate injuries not proportionate to me, nor competent Trials, either of my Patience under them, or my Pardon of them.

“ Therefore with Exquisite Malice, they have mixed the Gall and Vinegar of Falsity and Contempt, with the Cup of my Affliction ; charging me not only with untruths, but such, as wherein I have the greatest share of Loss and Dishonour by what is committed ; whereas, in all Policy, Reason and Religion, having least Cause to give the least Consent, and most grounds of utter Detestation, I might be represented by them to the World, the more Inhumane and Barbarous, like some Cyclopick Monster, whom nothing will serve to Eat and Drink but the Flesh and Blood of my own Subjects, in whose common Wellfare, my Interest lies as much, as some Mens doth in their Perturbations, who think they cannot do Well but in Evil Times, nor so cunningly, as in laying the *Odium* of those sad Events on others, wherewith themselves are most pleased, and whereof they have been not the least occasions.

“ And certainly, 'Tis thought by many Wise Men, that the preposterous Rigour, and unreasonable severity which some Men carried before them in *England*, was not the least incentive that kindled and blew up into those Horrid Flames, the Sparks of Discontent, which wanted not predisposed Fuel for Rebellion, in *Ireland* ; where Dispair being added to their former Discontents, and the fears of utter  
“ Extirpation



November.

1641.

“ Extirpation to their wonted oppressions, it was easie to provoke to an  
 “ open Rebellion a People prone enough to break out to all Exorbitant  
 “ Violence, both by some Principles of their Religion, and the natural  
 “ desires of Liberty, both to Exempt themselves from their present re-  
 “ straints, and to prevent those after Rigours wherewith they saw  
 “ themselves apparently threatned, by the Covetous Zeal, and Unchari-  
 “ table Fury of some Men, who think it a great argument of the Truth  
 “ of their Religion, to endure no other but their own.

“ God knows, as I can with Truth wash my hands in Innocency, as  
 “ to any Guilt in that Rebellion; so I might wash them in my Tears,  
 “ as to the sad apprehensions I had, to see it spread so far, and make  
 “ such wast: And this in a time, when Distractions and Jealousies here  
 “ in *England* made most Men rather intent to their own Safety, or  
 “ Designs they were driving, then to the relief of those who were every  
 “ day Inhumanely Butchered in *Ireland*; whose Tears and Blood might  
 “ if nothing else, have quenched, or at least, for a time repressed and  
 “ smothered those Sparks of Civil Dissentions and Jealousies, which in  
 “ *England* some men most industriously scattered.

“ I would to God no man had been less affected with *Ireland's* sad  
 “ Estate than my Self; I offered to go my Self in Person upon that Ex-  
 “ pedition: But some Men were either afraid I should have any one  
 “ Kingdom quieted, or loath they were, to shoot at any mark here, less  
 “ than my Self; or that any should have the Glory of my Destruction,  
 “ but themselves: Had my many offers been accepted, I am confident  
 “ neither the Ruin had been so great, nor the Calamity so long, nor  
 “ the Remedy so desperate: So that, next to the sin of those who be-  
 “ gan that Rebellion, theirs must needs be, who either hindred the spee-  
 “ dy suppressing of it, by Domestick Dissentions, or diverted the Aides,  
 “ or exasperated the Rebels to the most desperate Resolutions and Acti-  
 “ ons, by threatning all Extremities, not only to the known Heads and  
 “ chief Incendiaries, but even to the whole Community of that Nation,  
 “ resolving to destroy Root and Branch, Men, Women and Children,  
 “ without any regard to those usual Pleas for Mercy, which Conque-  
 “ rors, not wholly Barbarous, are wont to hear from their own Breasts,  
 “ in behalf of those, whose oppressive Fears, rather than their Malice,  
 “ engaged them; or whose imbecility for Sex and Age was such, as they  
 “ could neither lift up a hand against them, nor distinguish between  
 “ their right hand and their left: which preposterous, and, I think, un-  
 “ Evangelical Zeal, is too like that of the rebuked Disciples, who would  
 “ go no lower in their Revenge, then to call for fire from Heaven, up-  
 “ on whole Cities for the Repulse or Neglect of a few; or like that of  
 “ *Jacob's* Sons, which the Father both Blamed and Cursed; chusing  
 “ rather to use all Extremities which might drive Men to desperate ob-  
 “ stinacy, then to apply moderate Remedies, such as might punish some  
 “ with Exemplary Justice, yet disarm others, with tenders of Mercy  
 “ upon their Submission, and Our protection of them from the fury of  
 “ those who would soon drown them, if they refused to swim down the  
 “ Popular Stream with them.

“ But some kind of Zeal counts all merciful Moderation Lukewarm-  
 “ ness, and had rather be Cruel then counted Cold; and is not seldom  
 “ more greedy to kill the Bear for his skin, then for any harm he hath  
 “ done; the Confiscation of Mens Estates being more beneficial then  
 “ the Charity of saving their Lives, or reforming their Errors.

“ When



Novem.

1641.

“ When all proportionable Succours of the poor Protestants in *Ireland*, who were daily Massacred, and over-born with Numbers of now desperate Enemies, was diverted and obstructed here, I was earnestly entreated, and generally advised by the chief of the Protestant Party there, to get them some respite and breathing by a Cessation, without which they saw no probability, unless by Miracle, to preserve the Remnant that had yet escaped : God knows, with how much Commiseration, and serious Caution I carried on that business, by persons of Honor and Integrity, that so I might neither encourage the Insolence of the Rebels, nor discourage the Protestants Loyalty and Patience.

“ Yet when this was effected in the best sort, that the necessity and difficulty of my Affairs would then permit, I was then to suffer again in my Reputation and Honor, because I suffered not the Rebels utterly to devour the remaining handfuls of the Protestants there : I thought, that in all reason, the gaining of that respite, could not be so much to the Rebels advantages, which some have highly Calumniated against me, as it might have been for the Protestants future, as well as present safety, if during the time of that Cessation, some Men had had the Grace, to have laid *Ireland's* sad condition more to heart, and laid aside those violent Motions which were here carried on by those that had better skill to let Blood than to stanch it.

“ But in all the misconstructions of my Actions, which are prone to find more credulity in Men to what is False and Evil, then Love or Charity to what is True and Good ; as I have no Judge but God, above me, so I can have comfort to appeal to his Omniscience, who doth not therefore deny my Innocence, because he is pleased so far to try my Patience, as he did his Servant *Job's*.

“ I have enough to do, to look to my own Conscience, and the faithful discharge of my Trust as a King ; I have scarce leisure to consider those swarms of reproaches, which issue out of some Mens mouths, and hearts, as easily as smoak or sparks do out of a Furnace ; much less to make such Prolix Apologies, as might give those Men satisfaction, who conscious to their own depth of wickedness, are loath to believe any Man, not to be as bad as themselves.

“ 'Tis Kingly to do well and hear ill ; if I can but act the one, I shall not much regard to hear the other.

“ I thank God, I can hear with Patience, as bad as my worst Enemies can falsely say ; and I hope I shall still do better, then they desire, or deserve I should.

“ I believe it will at last appear, that they who first began to Embroil my other Kingdoms, are in great part guilty, if not of the first letting out, yet of the not timely stopping those horrid Effusions of Blood in *Ireland* ; which, whatever my Enemies please to say or think, I look upon, as that of my other Kingdoms, exhausted out of my own Veins ; no man being so much weakned by it as my Self : And I hope, though Mens unsatiable Cruelties never will, yet the Mercy of God will at length say to his Justice, *It is enough* ; and command the Sword of Civil War to sheath it self ; his merciful Justice intending, I trust, not our utter Confusion, but our Cure, the abatement of our sins, not the Desolation of these Nations.

Though



Though this to all unprejudiced Men be a most clear Vindication, of the suffering Innocence of that oppressed Prince, yet I cannot but subjoin one passage in his Soliloque immediately following the former Discourse, wherein His Majesty seems with that clear Confidence to put in his Appeal to Innocence, before the dreaded Tribunal of Heaven, as will not admit the least scruple of doubt, among such as have any grains of Charity, or even Humanity left, to disbelieve him; and if there should be yet found any among his surviving Enemies, so obdurate or flinty hearted, to persist in that infidelity, Heaven it self hath undertaken to convince the whole Universe of his spotless Innocence, by answering this Appeal, in the Miraculous Restauration of his Son, our most Gracious Sovereign, and the Royal Family, to his and their undoubted Right, in despite of all the Power and Malice of his Usurping Enemies. The passage is this.

Novemb.

1641:

“ If I have desired or delighted in the Woful Day of my Kingdoms Calamities, if I have not earnestly studied and faithfully intended, the preventing and composing of these bloody Distractions; then let thy hand be against me and my Fathers House. O Lord, thou seest I have Enemies enough of Men; as I need not, so I should not dare thus to Imprecate thy Curse on Me and Mine, if my Conscience did not Witness my Integrity, which thou, O Lord, knowest right well. But I trust not to my own Merit, but thy Mercies. Spare us, O Lord, and be not angry with us forever.

And now because it will give the clearest prospect of this Insurrection that I have seen, though not altogether in its proper place, I will give the Reader a view of *Mac-guires* voluntary Confession, which was as follows.

*The Relation of the Lord Mac-guire written with his own hand in the Tower, and delivered by him to Sir John Conyers then Lieutenant, to present to the Lords in Parliament.*

Being in *Dublin Candlemas-Term* last was Twelve-Month (1640.) the Parliament then Sitting, Mr. *Roger Moore* did write to me, desiring me, That if I could in that spare time, I would come to his House (for then the Parliament did nothing but Sit, and Adjourn, expecting a Commission for the continuance thereof, their former Commission being expired) and that some things he had to say unto me, that did nearly concern me, and on receipt of his Letter, the new Commission for continuing the Parliament landed, and I did return him an Answer, That I could not fulfil his Request for that present; and thereupon he himself came to Town presently after, and sending to me, I went to see him at his Lodging: And after some little time spent in Salutations, he began to discourse of the many Afflictions and Sufferings of the Natives of that Kingdom, and particularly in those late times of my Lord *Strafford's* Government, which gave distast to the whole Kingdom. And then he began to particularize the Suffering of them that were the more antient Natives, as were the *Irish*; how that on several Plantations they were all put out of their Ancestors Estates. All which Sufferings he said, did beget a general discontent over all the whole Kingdom in both the Natives; to wit, the Old and New

The L. Mac-guire's Relation of the Irish Rebellion, Oct. 23, 1641.



Novemb.

1641.

‘ New *Irish*. And that if the Gentry of the Kingdom were disposed to  
 ‘ free themselves furtherly from the like inconvenience, and get good  
 ‘ Conditions for themselves, for regaining their Ancestors (or at least a  
 ‘ good part thereof) Estates, they could never desire a more convenient  
 ‘ time than that time, (the distempers of *Scotland* being then on foot)  
 ‘ and did ask me what I thought of it; I made him answer, that I could  
 ‘ not tell what to think of it; such Matters being altogether out of my  
 ‘ Element. Then he would needs have an Oath of me of Secrecy; which  
 ‘ I gave him, and thereupon, he told me that he spoke to the best Gentry  
 ‘ of Quality in *Lemster*, and a great part of *Connaght* touching that mat-  
 ‘ ter, and he found all of them willing thereunto, if so be they could  
 ‘ draw to them the Gentry of *Ulster*, for which cause (said he) I came  
 ‘ to speak to you; then he began to lay down to me the case that I was  
 ‘ in there, overwhelmed in Debt, the smalness of my Estate, and the  
 ‘ greatness of the Estate my Ancestors had, and how I should be fure to  
 ‘ get it again, or at least a good part thereof; and moreover how the  
 ‘ welfare, and maintaining of the Catholick Religion, which he said, un-  
 ‘ doubtedly the Parliament now in *England* will suppress, doth depend  
 ‘ on it: For, said he, it is to be feared, and so much I hear from every  
 ‘ understanding man, the Parliament intends the utter Subversion of our  
 ‘ Religion; by which perswasions he obtained my consent. And so he  
 ‘ demanded whether any more of *Ulster* Gentry were in Town, I told  
 ‘ him that *Phillip Reyly*, Mr. *Torlagh O Neal*, Brother to Sir *Phelim*  
 ‘ *O Neal*, and Mr. *Cosloe Mac Mahone* were in Town, so for that time we  
 ‘ parted.

‘ The next day he invited Mr. *Reyly*, and I, to dine with him, and af-  
 ‘ ter Dinner he sent for those other Gentlemen, Mr. *Neale*, and Mr. *Mac*  
 ‘ *Mahone*; and when they were come, he began the discourse formerly  
 ‘ used to me, to them, and with the same perswasion formerly used  
 ‘ to me, he obtained their consent. And then he began to discourse  
 ‘ of the manner, how it ought to be done, of the feasibility, and easiness  
 ‘ of the Attempt, considering Matters, as they then stood in *England*, the  
 ‘ Troubles of *Scotland*, the great Numbers of able Men in the Kingdom,  
 ‘ meaning *Ireland*, what Succours they were (more then) to hope for  
 ‘ from abroad, and the Army then raised all *Irish-men*, and well armed,  
 ‘ meaning the Army raised by my Lord *Strafford*, against *Scotland*. First,  
 ‘ that every one should endeavour to draw his own Friends into that  
 ‘ Act, and at least those that did live in one County with them; and  
 ‘ when they had so done, they send to the *Irish* in the *Low-Countreys*,  
 ‘ and *Spain*, to let them know of the Day, and Resolution, so that they  
 ‘ be over with them by that day, or soon after with supply of Arms and  
 ‘ Ammunition, as they could; that there should be a set day appointed,  
 ‘ and every one in his own Quarters should rise out that day, and seize on  
 ‘ all Arms he could get in his County, and this day to be near Winter, so  
 ‘ that *England* could not be able to send Forces into *Ireland* before May,  
 ‘ and by that time there was no doubt to be made, but that they them-  
 ‘ selves should be supplied by the *Irish* beyond Seas, who, he said, could  
 ‘ not miss of help from either *Spain*, or the *Pope*, but that his resolutions  
 ‘ were not in all things allowed. For, first it was resolved nothing should  
 ‘ be done, until first they had sent to the *Irish* over-Seas to know their  
 ‘ advice, and what hope of success they could give; for in them, as they  
 ‘ said, all their hope of Relief was, and they would have both their Ad-  
 ‘ vice and Resolution, before any further proceedings, more than to speak  
 ‘ to,



Novemb.

1641.

to, and try Gentlemen of the Kingdom, every one, as they could conveniently, to see (in case they would at any time grow to a resolution) what to be, and Strength they must trust to; Then Mr. Moore told them, That it was to no purpose to spend much time in speaking to the Gentry. For there was no doubt to be made of the *Irish*, that they would be ready at any time. And that all the doubt was in the Gentry of the *Pale*, but he said, That for his own part, he was really assured, when they had risen out, the *Pale* Gentry would not stay long after, at least that they would not oppose them in any thing, but be Neuters, and, if in Case they did, That they had Men enough in the Kingdom without them. Moreover he said, he had spoke to a great Man ( who then should be nameless ) that would not fail at the appointed day of rising out to appear, and to be seen in the Act. But that until then, he was sworn not to reveal him; and that was all that was done at that Meeting, only that Mr. Moore should the next *Lent* following, make a Journey down into the *North* to know what was done there, and, that he also might inform them, what he had done; and so on parting, Mr. Philip Reyly, and I, did importune Mr. Moore for the knowledge of that great Man, that he spake of, and on long Entreaty, after binding us to new Secrecy, not to discover him till the Day should be appointed, he told, that it was the Lord of *Mayo*, who was very powerful in Command of Men in those Parts of *Connacht* wherein he lived, and that there was no doubt to be made of him, no more than was of himself, and so we parted.

The next *Lent* following, Mr. Moore according to his promise came into *Ulster*, by reason it was the time of Assizes in several Counties; there he met only with Mr. Reyly, and nothing was then done, but all Matters put off till *May* following, where we or most of us should meet at *Dublin*, it being both Parliament and Term-time: In the meantime there Landed one *Neale O Neale*, sent by the Earl of *Tyrone* out of *Spain*, to speak with the Gentry, of his Name and Kindred, to let them know, that he had treated with Cardinal *Richelieu*, for obtaining Succor to come for *Ireland*, and that he prevailed with the Cardinal, so that he was to have Arms, Ammunition and Mony from him on Demand, to come for *Ireland*, and that he only expected a convenient Time to come away, and to desire them, to be in a readiness, and to procure all others, whom they could, to be so likewise, which Message, did set on the Proceedings very much, so that Mr. Moore, Mr. Reyly, my Brother, and I, meeting the next *May* at *Dublin*, and the same Messenger there too; It was Resolved, That he should return to the Earl into *Spain*, with their Resolution, which was, That they would rise out twelve or fourteen Days before, or after *Allballontide*, as they should see Cause, and that he should not fail to be with them by that time: There was a Report at that time, and before that the Earl of *Tyrone* was killed, which was not believed, by reason of many such Reports formerly, which we found to be false, and so the Messenger departed with Directions, that if the Earls death were true, he should repair into the *Low-Countries* to Colonel *Owen O Neale*, and acquaint him with his Commission from the Earl; whereof, it was thought, he was not Ignorant, and to return an Answer sent by him, and to see what he would Advise, or would do himself therein. But presently after his Departure, the certainty of the Earls Death was known, and on further Resolution, it was Agreed,



Novem.

1641.

' That an Express Messenger should be sent to the Colonel, to make  
 ' all the Resolutions known to him, and to return speedily with his  
 ' Answer. And so one *Toole O Comely* a Priest ( as I think Parish  
 ' Priest to Mr. *Moore* ) was sent away to Colonel *O Neale*: In the in-  
 ' terim there came several Letters and News out of *England* to *Dub-*  
 ' *lin*, of Proclamations against the Catholicks in *England*, and also that  
 ' the Army raised in *Ireland*, should be Disbanded, and Conveyed in-  
 ' to *Scotland*: And presently after, several Colonels and Captains  
 ' Landed, with Directions to carry away those Men; amongst whom  
 ' Colonel *Plunkett*, Colonel *Burne* and Captain *Bryan O Neale* came,  
 ' but did not all come together: for *Plunkett* Landed before my com-  
 ' ing out of Town, and the other two after, wherein a great fear of  
 ' Suppressing of Religion was conceived, and especially by the Gentry  
 ' of the *Pale*, and it was very common amongst them, that it would  
 ' be very inconvenient, to suffer so many Men to be Conveyed out of  
 ' the Kingdom; it being as was said, very confidently reported, that the  
 ' *Scottish* Army did threaten never to lay down Arms, until an Unifor-  
 ' mity of Religion, were in the three Kingdoms, and the Catholick  
 ' Religion suppressed. And thereupon both Houses of Parliament began  
 ' to oppose their going, and the Houses were divided in their Opinions;  
 ' some would have them go, others not; but what the definitive con-  
 ' clusion of the Houses was touching the Point, I cannot tell; for by  
 ' leave from the House of Lords, I departed into the Country before  
 ' the Prorogation. But before my Departure, I was informed by *John*  
 ' *Barnewall* a Fryer, that those Gentlemen of the *Pale* ( and some  
 ' other Members of the House of Commons ) had several Meetings and  
 ' Consultations, how they might make Stay of the Souldiers in the  
 ' Kingdom, and likewise to Arm them in Defence of the King, being  
 ' much injured both of *England* and *Scotland* then ( as they were in-  
 ' formed ) and to prevent any Attempt against Religion; and presently  
 ' after I departed into the Country, and Mr *Reyly* being a Member of the  
 ' House of Commons, staid the Prorogation; and on his coming into  
 ' the Country, sent to me to meet him, and I came to his House, where  
 ' he told me, that he heard for certain, that the former Narration of  
 ' *Barnewall* to me ( for I did acquaint him with it ) was true and that he  
 ' heard it from several there; also was *Emar Mac Mahone* ( made firmly  
 ' privy to all our Proceedings at Mr. *Reylys* ) lately come out of the *Pale*,  
 ' where he met with the aforementioned *John Barnewall*, who told him  
 ' as much; and he formerly told me, and moreover, that those Colonels  
 ' that lately came over, did proffer their Service, and Industry in that  
 ' Act, and so would raise their Men, under Color to Convey them into  
 ' *Spain*, and then seize on the Castle of *Dublin*, and with their Arms there  
 ' to Arm their Soldiers, and have them ready for any Occasion, that  
 ' should be Commanded them, but that they had not concluded any  
 ' thing, because they were not Assured how the Gentlemen of the re-  
 ' mote Parts of the Kingdom ( and especially of *Ulster* ) would stand  
 ' Affected to that Act, and that Assurance of that Doubt, was all their  
 ' Impediment. Then we three began to think, how we might assure them  
 ' Help, and of the Assistance of *Ulster* Gentlemen; It was thought that  
 ' One should be sent to them, to acquaint them therewith, and they  
 ' made Choice of me to come; by reason, as they said, that my Wife was  
 ' allyed to them and their Country-Woman, and would believe me,  
 ' trust me sooner than other of their Parts, they or most of them be-  
 ' ing



Novemb.

1641.

ing of the *Pale*. And so (without as much as to return Home to furnish my self for such a Journey, *Volens, Nolens,*) they prevailed, or rather forced me to come to *Dublin*, to confer with those Colonels; (and that was the last *August* was Twelve-Month). Coming to Town, I met Sir *James Dillon* accidentally, before I came to my Lodging, who was one of those Colonels: and after Salutations, he demanded of me, where my Lodging was, which when I told him, and parted; the next Day being abroad about some other Occasions in Town, I met him (as he said) coming to wait on me in my Chamber; but being a good Way from it, he desired me to go into his own Chamber, being near at hand; And then began to discourse of the present Sufferings and Afflictions of that Kingdom, and particularly of Religion, and how they were to expect no Redress (the Parliament in *England* intending, and the *Scots* resolving never to lay down Arms, until the Catholick Religion were suppressed.) Then he likewise began to lay down what Danger it would be to suffer so many Able Men, as was to go with them to depart the Kingdom in such a time: Neither (said he) do their other Gentlemen, that are Colonels, and my self, affect our own private Profit, so as to prefer it, before the general Good of the Kingdom; And knowing you are well Affected thereunto; and I hope (said he) ready to put your helping-hand to it upon Occasion, I will let you know the Resolution of those other Gentlemen, and Mine, which is, if we are ready to raise our Men, and after to Seize on the Castle; where there is great store of Arms, and Arm our Selves. This was the first Motion that ever I heard of taking the Castle; for it never came into our Thoughts formerly, nor am I perswaded ever would, if it had not proceeded from those Colonels, who were the first Motioners and Contrivers thereof, for ought known to me; and then to be ready to prevent, and resist any Danger, that the Gentlemen of the Kingdom like thereof, and help us: For we of our selves neither are able, nor will do any thing therein, without their Assistance. I began according to the Directions that were sent with me to approve of their Resolution, and also to let him know, how sure he might be of the Assistance of those of *Ulster*. Then he told us, that for my more Satisfaction, I should Confer with the rest of the Colonels themselves, as many, as are Privy to the Action, and accordingly a Place of Meeting was appointed that After-noon; and on the Time and Place appointed, there met Sir *James* himself, Colonel *Bourne*, and Colonel *Plunket*. And that former Discourse being renewed, they began to lay down the Obstacles to that Enterprize, and how they should be Redressed. First, If there should War ensue, how there should be Money had to Pay the Soldiers. Secondly, How and where, they should procure Succors from Forreign Parts. Thirdly, How to draw in the *Pale* Gentlemen. Fourthly, Who should undertake to Surprise the Castle, and how it should be done.

To the First, it was Answered; That the Rents in the Kingdom every where, not having Respect whose they should be, due to the Lords and Gentlemen thereof, should be Collected to pay the Soldiers. And moreover, they might be sure (nay that there was no Doubt thereof) to procure Money from the Pope, who gave several Promises formerly to my Lord of *Tyrone* (in Case he could make Way to come into *Ireland*) to maintain Six thousand Men yearly at his own Charge; and that notwithstanding, that my Lord of *Tyrone* was



Novemb.

1641.



dead, yet that he would continue the same forwardness now.

‘ To the Second, it was Answered by Colonel *Bourne*, that help from Abroad could not fail them. For (said he) Colonel *O Neale* told me that he had, or would procure in readiness ( I do not remember which of those, the Colonel spake, or whether he spoke Positive, that Colonel *O Neale* had Arms, or would procure them ) Arms for Ten thousand Men. And moreover ( said he ) I make no great Question, that if we send into *Spain*, we shall not miss of Aid ; for I being in *London* the last year in the *Scots* Troubles, I was in Conference with one of the *Spanish* Ambassadors there then, and talking of their troubles then a-Foot ; he said, That if the *Irish* did then rise too, and send to *Spain*, their Messengers would be received under Canopies of Gold. These last Words he told me, and some one Man of those that were Present, Privately, whose Name I cannot call to Mind ; (neither well remember I, whether he spoke to them all, or no) then it was thought, that when they were both in Arms, for Defence of the Catholick Cause, they would be succored by the Catholick Princes of *Christendom*.

‘ To the Third, it was answered by Colonel *Plunket*, That he was as Morally certain ( for those were his Words ) as he could be of any thing, that the *Pale* Gentlemen would joyn with them, and assist them. For, he said, I have spoke to severall of them since my Landing in the Kingdom, and I find them very ready and willing ; and withal I have at *London* spoke to some of the Committees, and particularly to my Lord of *Gormonstowne*, to let them know his Resolution, and they approved it very well. All this was not done at the first Meeting, but at three or four Meetings ; And so on the last Meeting, it was resolved to the last Doubt, touching Seizing the Castle, that Colonel *Plunket*, and Colonel *Bourne* should undertake that Task, because they were nearer to it, than any other, and also seize on the Forts, Garrisons, and other Places, where they think any Arms should be ; and in particular, *Londonderry*, which should be undertaken by those of *Ulster*, and then there was a Set Day appointed for the Execution thereof ; that was the Fifth of the ensuing *October*, ( this being the latter end of *August*, or the beginning of *September*, Anno 1641. I do not know whether. ) And every one should make Provision to rise out that Day ; and they were Named, that should first succor them, that would take the Castle with Men presently, namely, Sir *James Dillon*, who did undertake to be with them within three ( or at the most ) four Days, with a Thousand Men, and so much more should come to them out of the *North*. For these two Colonels did not intend to use above a Hundred Men in the Surprizal, whereof they were to have twenty good Able Gentlemen : For they made account, that having the Castle, they with the Artillery would Master all the Town, until they were relieved by Men from the Country : And because there was a Doubt made, how all this should be done in so short a time, they did appoint, that all that were there present, should not fail to meet again there the twentieth of *September*, to give an Account of all things, as well Hopes as Impediments. And if on that interview all Things should happen to be well, that they go forward, or if otherwise, to prolong the Execution of it to a more convenient Time, and so we parted every man into the Country about his own Task. And I in my way home came to Mr. *Reylies* House, and there I received a Letter from Sir *Phelim*



Novem.  
1641.

O Neale, that his Lady was dead, and to be buried on the *Sunday* following, this being on the *Saturday*, and desiring me in all kindness to come to the Burial; and Mr. *Reyly* having received another Letter to the same effect, would needs have me go thither (whereunto I was very unwilling, being weary, withal not provided to go to such a meeting) as well (said he) to prevent any jealousy from the Ladies Friends; as also to confer with Sir *Phelim* touching all those proceedings (for neither he nor I spoke to Sir *Phelim* concerning the matters before) but to his Brother *Jorilagh O Neale*, and coming thither we found Captain *Brian O Neale*, lately come out of the Low-Countries, sent over by Colonel *O Neale* to speak to, and provoke those of *Ulster* to rise out in Arms, and that he would be with them, on notice of their day, the same day, or soon after it. And it was asked of the said Captain what Aid he could send or procure, being but a private Colonel, or where he could get any. He replied, That the said Colonel told him, that he had sent to several places that Summer to demand Aid, and in particular to Cardinal *Richelieu* into *France*, (to whom he had sent twice that Year) and had comfortable, and very hopeful Promises from them, and especially from that Cardinal, on whom he thought the Colonel did most depend, so that there was no doubt to be made of Succour from him, and especially when they had risen out, that would be a means to the Cardinal to give Aid; we did the more credit him in regard of the former Treaty between the said Cardinal and the Earl of *Tyrone*, as formerly is said.

For my own part, I did and do believe, that the Colonel doth depend on *France* for Aid, more than on any other place, as well for those Reasons, as also that *Ever mac Mahone*, formerly mentioned, told me, That presently after the Isle of *Rees* Enterprize (he being then in the Low-Countries) did hear for certain, That the Earl of *Tyrone*, together with the Colonel, did send into *France*, to the Marshal of *France* (that was General of the *French* Forces at the Isle of *Ree*) to deal with him for procuring of Aid to come then for *Ireland*, and that he received an Answer from the said Marshal, that he was most willing and ready to contribute his Endeavours for his furtherance therein, but that he could not for the present answer my Lords Expectations, by reason that the King had Wars in *Italy*, which he thought would be at an end within half a year, or little more, and then my Lord should not doubt of any thing, that he could do for his Assistance; but these continued a great deal longer, so for that time that Enterprize failed. So after the Burial was done, I gave those Gentlemen knowledge of what I had done at *Dublin*, and how I was to retire thither; and then they began to think how they should surprise *London-Derry*, they being near it, but could not then agree in the manner; and so Sir *Phelim* desired me to take his House in my way going to *Dublin*, and that I should have a resolution to carry with me touching *London-Derry*, and thereon I parted home, but soon after came to *Dublin* to the fore-appointed Meeting with those Colonels. But first I took in my way Sir *Phelim O Neale's* House, to be certain what he had done; and his Answer was, That he knew that matter could not be put in Execution by the Fifth of *October*, as was appointed, and that they would make another longer day for it; And that he would provide for the taking of *London-Derry* by that day, and so came to *Dublin* to give an account of that was done, and also know what further should be done. I was not two hours



Novem.

1641.

hours in my Lodging when Mr. *Moor* came to me (who knew what was done by those Colonels formerly from Colonel *Bourn*), and told me, that the Messenger sent to Colonel *O Neal*, was come with an Answer, desiring us not to delay any time in rising out, and to let him know of that day before-hand, and that he would not fail to be with us within Fourteen dayes of that Day with good Aid; also desiring us by any means to seize the Castle of *Dublin*, if we could; for he heard that there was great Provision in it for War: And Mr. *Moor* moreover said, That time was not to be over-slipped, and desired me to be very pressing with the Colonels to go on in their Resolution; But on meeting the Colonels with them, they were fallen from their Resolution, because those of the *Pale* would do nothing therein first; but when it was done, they would not fail to assist us. Colonel *Plunkett* did affirm, and so by several meetings it was resolved on by them to desist from that Enterprize for that time, and to expect a more convenient time: But before that their Resolution, Sir *Phelim O Neal*, and the aforesaid Captain *Bryan O Neal* followed me to *Dublin* (as they said) to assist, and advise me how to proceed with that Colonel, but neither they nor Mr. *Moor* would be seen therein themselves to those Gentlemen, but would meet me privately and know what was done at every Meeting; alledging for Excuse, That I being first employed in that matter, it would not be expedient that they should be seen in it. And moreover, they would not be known to be in the Town but by a few of their Friends, until they were in a manner ready to depart the Town, at least as long as I was in Town, for I left them there; But when I made them acquainted with their determination of desisting from that Enterprize, they thought it convenient, that we should meet with Mr. *Moor* and Colonel *Bourn*, to see what was further to be done, concerning the further intention of their own, and according we did send to them that they should meet us; and on that Meeting, it was, Where was only Sir *Phelim*, Mr. *Moor*, Colonel *Bourne*, Captain *Neal*, and my self. After long debate, it was resolved, That we with all those that were of our Faction should go on with that determination that was formerly made, concluded to rise out. Moreover, to seize on the Castle as the Colonels were purposed, for if it were not for their project, and the advice sent by Colonel *Neale*, we would never venture to surprise it, neither was it ever thought on in all the Meetings and Resolutions between us, before those Colonels did resolve on it, but by reason, that the other Gentlemen that were privy to these proceedings were not present, the certainty of the time, and the manner how to execute it, was put off to a further meeting in the Country; and this was resolved in *Dublin* up on the Sunday at Night, being the Twenty sixth or Twenty seventh of September, and the meeting was appointed on the Saturday following at *Mac-Callee*, *Mac-Mahones* House in *Farney* in the County of *Monaghan*. And thereupon we all left the Town, only Sir *Phelim* stayed about some other his private occasions but did assure his being there at that day; and by reason, that at that Meeting the Gentry of *Lemster* could not be, considering the remoteness of the place from them; it was thought fit that Mr. *Moore* should there meet to receive the final Resolution, and should acquaint them therewith: And in the mean time Colonel *Bourne*, who had undertaken for Colonel *Plunkett*, should inform them all the intention conceived, and dispose them in readiness against that day that should be appointed. On Saturday



Novem.

1641.

turday I came to Mr. *Mac Mahone's* House; there met only Mr. *Mac Mahone* himself, Captain *Neale*, *Ever mac Mahone*, and my self, and thither that same day came the Messenger that was sent to Colonel *Neal*, and did report the Colonel's Answer and Advice *verbatim*, as I have formerly repeated from Mr. *Moore*; and by reason that Sir *Phelim*, his Brother, or Mr. *Phillip Reyly*, that were desired to meet, did not meet, we stayed that Night to expect them, and that Night I received a Letter from Sir *Phelim*, intreating us by any means, not to expect him untill the *Munday* following; for he had, nor could dispatch some occasions merely concerning him, but what ever became of them, he would not fail of the *Munday*: And the next day after receipt of the Letter being *Sunday* (by Mr. *Moore's* advice) we departed from Colonel *Mac Mahone's* House, to prevent (as he said) the suspicion of the *English* there (many living near) to *Loughrosse* in the County of *Ardmagh* to Mr. *Torilagh O Neale's* House (not Sir *Phelim's* Brother, but Son to Mr. *Henry O Neale* of the *Fewes*, Son in Law to Mr. *Moore*) and left word, That if Sir *Phelim*, or any of those Gentlemen did come in the mean time, they should follow us thither, (whither only went Mr. *Moore*, Captain *O Neale* and my self) and there we expected until the *Tuesday* subsequent before any of those did come. On the *Tuesday* came Sir *Phelim*, and *Ever mac Mahone*, all the rest failing to come, Mr. *Mac Mahone's* Wife was dead the Night before, which was the cause that he was not there, but I gave his assent to what should be concluded to therein, and execute what should be appointed him; and then we five (*viz.*) Sir *Phelim*, Mr. *Moore*, Captain *O Neale*, *Ever mac Mahone* and my self, assuring our selves, that those Gentlemen absent should both allow, and joyn to what we should determine, did grow into a final Resolution, grounding all or most part of our hope and confidence on the Succours from Colonel *O Neale*, to seize on the Castle, and rise out all in one day, and the day was appointed on the 23<sup>th</sup> of that Month, this being the 5<sup>th</sup> day of *October*, having regard therein to the day of the Week, whereon that day did fall, which was the *Saturday*, being the Market day, on which day there would be less Notice taken of people up and down the Streets; Then began a question who should be deputed for the Surprisal of the Castle, and then Mr. *Moore* said he would be one of them himself, and that Colonel *Bourne* should be another, and what other Gentlemen of *Lemster* they could procure to joyn with them, and seeing the Castle had two Gates, the one the great, the other the little Gate going down to my Lord Lieutenant's Stables, hard by which Stables, without the Castle, was the Store-House for Arms, they of *Lemster* would undertake one Gate, and that should be the little Gate, and the great Gate should be undertaken by those of *Ulster*, and (said he) of necessity one of you both (meaning Sir *Phelim* and me) must be there, for the meer countenance of the matter, it being the glory of all our proceedings, and all that his Speech was well liked of all present: But Sir *Phelim* would be exempted from that employment, and so would I; but then all of them set on me, desiring me to be one, alledging for Reason, that their Proceedings and Resolutions were very honourable and glorious, it being for Religion, and for to procure more liberty for their Country, as did (say they) of late *Scotland*, and that in taking the Castle consisted all the glory and honour of the said Act; all which should be attributed to them which should be employed therein, and so by consequence all, or most part to be there,

being



Novemb.

1641.

' being (as they said) the chief in that Enterprize, and more, Sir *Phelim*  
 ' *lim* said that he would endeavour to take or procure others to take  
 ' *Londonderry* the same day, and if he should be away, that place  
 ' would not be taken; with these and many other persuasions they ob-  
 ' tained my consent, and then the Captain offered himself: they began  
 ' to think what number should be imployed in that Act; and they con-  
 ' cluded on Two Hundred Men, one Hundred from each Province, for  
 ' those Gates which they seize on, of which number Sir *Phelim O Neale*  
 ' should send forty with an able sufficient Gentleman to conduct them:  
 ' And likewise Captain *Neale* twenty, Mr. *Mac Mohone*, Mr. *Reyly* ten  
 ' more, and I should bring twenty two; then began a doubt how they  
 ' should raise those Men, and convey them to *Dublin* without suspicion;  
 ' and it was answered that under pretence of carrying them to those Co-  
 ' lonels that were conveying Soldiers into the Kingdom, it might safely  
 ' be done; and to that purpose Sir *Phelim O Neale*, Mr. *Moore*;  
 ' and the Captain had several blank Patents with Deputations to make  
 ' Captains to those Colonels, which they sent to those that should send  
 ' men to *Dublin*: for the more colour, they bethought of what was to  
 ' be done in the Country that day, and it was resolved, that every one  
 ' privy to that matter in every part of the Kingdom should rise up that  
 ' day, and seize on all the Forts and Arms in the several Counties to make  
 ' all the Gentry Prisoners, the more to assure themselves against any a-  
 ' verse fortune, and not to kill any, but where of necessity they must be  
 ' forced thereunto by opposition (and that those that were appointed for  
 ' taking of the Castle should observe) and in particular the Gentry: All  
 ' their Army in *Ulster* to take that day *Londonderry*, which Sir *Phelim*  
 ' did undertake, and *Knockfergus*, which they thought Sir *Henry Mac O*  
 ' *Neale* would do; and to that end Sir *Phelim's* Brother *Torilagh O Neale*  
 ' should be sent to them; and the *Newry* which should be undertaken  
 ' by Sir *Conne Magennis*, and his Brothers; for whom Sir *Phelim*,  
 ' in regard they were his Brothers-in-law, his deceased Lady being their  
 ' Sister, did undertake. Moreover, it was agreed, that Sir *Phelim*, Mr.  
 ' *Reyly*, Mr. *Coll mac Mahone*, and my Brother should with all the speed  
 ' they could after that day raise all the Forces they could, and follow us  
 ' to *Dublin*; but to Arm the Men, and Succour, and Attend, and Garri-  
 ' son the Town and Castle: And likewise Mr. *Moor* should appoint  
 ' *Lemster* Gentlemen to send like supply of Men; then there was fear  
 ' of the *Scots* conceived, that they should presently oppose themselves,  
 ' and that would make the matter more difficult, and to avoid which  
 ' danger, it was resolved on, not to meddle with them, or any thing  
 ' belonging to them, and to demean themselves towards them, as if  
 ' they were of themselves, which they thought would pacifie them from  
 ' any opposition; and if the *Scots* would not accept of that offer of  
 ' amity, but would oppose them, they were in good hope to cause a  
 ' stir in *Scotland* that might divert them from them; and I believe the  
 ' ground for that hope was, That two years before, in or about the be-  
 ' ginning of the *Scots* Troubles, my Lord of *Tyrone* sent one *Torilagh*  
 ' *O Neal* (a Priest) out of *Spain*, and that this, I take it, was the time  
 ' that he was in Treaty with Cardinal *Richelieu*, to my Lord of *Argile*,  
 ' to Treat with him for help from my Lord, for him to come into *Ire-*  
 ' *land*, as was said for Marriage between the said Earl and my Lord of  
 ' *Argile's* Daughter (or Sister I know not which) and this Messenger  
 ' was in *Ireland*, with whom Mr. *Torilagh O Neale*, Sir *Phelim's* Bro-  
 ' ther



Novemb.  
1641.

ther had conference, from whom this Relation was had; that said  
 Messenger went into *Scotland*, as I did hear from the said Mr. Neale,  
 or from *Ever mac Mahone* aforenamed, I know not from which of  
 them; but what he did there I could never hear, by reason that my  
 Lord of *Tyrone* was presently after killed: they were the more con-  
 firmed therein, hearing that my Lord of *Argile* did say (near to the  
 same time as I guess, and when the Army was raised in *Ireland*, as I  
 think) to a great Lady in *Scotland*, I know not her name, but did  
 hear, that she was much imbarqued in the Troubles of that Kingdom,  
 there she questioning, how they could subsist against the two King-  
 doms of *England* and *Ireland*, that if the King did endeavour to stir  
*Ireland* against them, he would kindle such a Fire in *Ireland*, as would  
 hardly or never be quenched: And moreover they knew my Lord  
 to be Powerful with the *Highlanders*, *Redshanks* in *Scotland*, whom  
 they thought would be prone, and ready to such Actions, they for  
 the most part descended out of *Ireland*, holding the *Irish* Language  
 and Manners still, and so we parted. The next day being *Wednes-*  
*day Leghrosse* every man went about his own task, and so when I  
 came home, I acquainted my Brother with all that was done, and  
 what they had appointed him to do, and did like according as they  
 had appointed me, send to Mr. *Reyly* to let him know as much, and  
 the 18th of the same Month I began my Journey to *Dublin*; and when  
 I came to *Dublin* (being the day before the appointed day for putting  
 that Resolution in Execution there) I met with Captain *Conne O Neal*,  
 sent out of the *Low-Countreys* by Colonel *O Neal*, who was sent, after  
 the Messenger sent by us formerly to the said Colonel was by him dis-  
 appointed with his Answer, to encourage us in our Resolution, and  
 to speedy Performance, with assurance of Succour, which he said would  
 not fail of the Colonel's behalf, and for the more certainty of help  
 from him, and to assure us, that the Colonel had good hopes to pro-  
 cure Aid from others, he said that it was he himself, that was employ-  
 ed from him to Cardinal *Richelieu* twice, that some men who gave  
 very fair promises to assure the Colonel's expectations, with which  
 he said, that the said Colonel was really with himself assured of the  
 Cardinal's Aid, and that he was likewise commanded by the Colonel  
 upon our Resolution of the day, to give notice thereof to him, and  
 that he would be within 14 days over with them with Aid; but he  
 landed 9 or 10 days before, and meeting with Captain *Brian O Neal*,  
 who made him acquainted with what was Resolved; he did write all  
 the matter to Colonel *O Neal*, so as he was sure of his speedy coming:  
 And so that Evening he and I came to meet the other Gentlemen; and  
 there were met Mr. *Moore*, Colonel *Bourne*, Colonel *Plunkett*, Captain  
*Fox*, and other *Lemster* Gentlemen, a Captain (I think of the *Bournes*,  
 but I am not sure whether a *Bourne* or a *Toole*) and Captain *Brian*  
*O Neale*, and taking an account of those that should have been there;  
 it was found that Sir *Phelim O Neale*, Mr. *Collo mac Mahone* did fail  
 of sending their Men; and Colonel *Bourne* did miss Sir *Morgan Ca-*  
*vanagh*, that had promised him to be there, but he said he was sure he  
 would not fail to be that Night or the next Morning in Town: And  
 of the two hundred men that were appointed, there were only eighty  
 present, yet notwithstanding they were resolved to go on in their Re-  
 solution, and all the difference was at what time of the day they  
 would set on the Castle, and after some debate, it was resolved in the



Novemb.

1641.

‘ Afternoon, and the rather hoping to meet the Colonel there then ; for  
 ‘ they said, if they should take the Castle, and be enforced by any extre-  
 ‘ mity for not receiving timely succour out of the Country ( having  
 ‘ them they could not want ) and so parted that Night, but to meet  
 ‘ in the Morning to see further what was to be done, and immediately  
 ‘ thereupon, I came to my Chamber, and about Nine of the Clock, Mr.  
 ‘ Moore and Captain Fox came to me, and told me all was discover-  
 ‘ ed, and that the City was in Arms, and the Gates were shut up, and so  
 ‘ departed from me : And what became of them and of the rest, I know  
 ‘ not, nor think that they escaped, but how, and at what time I do not  
 ‘ know, because I my self was taken that Morning.

But how long soever this Plot was contriving, and how much soever the Parliament by their Papers, Answers and Declarations indeavoured secretly to reflect upon the King, and by the Mercenary Tongues and Pens of their Infamous Agents more openly, that the Rebellion began by his Knowledge and Connivance, and by that wicked Calumny laid all the Massacres and Murthers, which they heightened to the utmost, at His Majesties door, thereby to dispossess him of the Allegiances and Affections of his Subjects ; yet it is more then probable, the Rebellion would not have broke out then, if ever, had not the Committee of the Parliament of *Ireland*, some of which were the Continuers of, and Actors in it, had too near a prospect of a Rupture between the King and the Two Houses, and that it would inevitably and quickly come to a War ; for all other Circumstances in that Juncture threatned their unavoidable Ruine in the Attempt, unless *England* and *Scotland* were Embroiled, so as not to be able to suppress them, as if it had not been for the succeeding Rebellion in *England*, they could not but know, would be very easily done ; and none but people mad and senseless would without such, almost a certain, prospect of the *English* Rebellion, have been tempted, to forfeit not only the Extraordinary Graces they had newly received from the King ; and the Indulgence afforded them in the Exercise of their Religion, but their Lives and Fortunes also. And for any hopes of Foreign Assistance, the *French* and the *Spaniard* were at War, and under all the Consequences of it, necessity of Men and Money to supply their own Affairs ; and as the Reader may remember both the Ambassadors of those Princes were pressing both the King and Parliament for Men out of *Ireland*, so far were they from supplying the *Irish* with any : And for the Pope, besides that he is never over liberal of the Temporal Treasure of the Church, he was at a Distance too Remote, and too impotent in Shipping, to give them any Assistance ; indeed he might probably be very Prodigal of those cheap and useles Spiritual Treasures of the Church, Indulgences, Blessings, Reliques, and promises of Miracles in their Favour, but had he imployed both the Swords, and unlocked all the Treasures with *St. Peter's* Keys, yet could he not without a real Miracle, nay many, have saved them from most unavoidable Ruine and Destruction, had *England* and *Scotland* continued in Peace ; so that it will plainly appear, that if not the Design, yet the Execution of it at that time, depended wholly upon the certain expectations of a Civil War, and the Confusions that attend it, which it was not difficult for the *Irish* Committees, who were upon the Earl of *Strafford's* account, very intimate with the Faction of the Parliament, to discover and foresee. And this is most certain, that the Rebels of each side made great advantages of the Rebellion ; and as in probability the



the *Irish* had not then broke out, but that they had the *English* Rebellion in view, so the *English* Rebels made their first Levies of Men and Money, with which they fought against the King under colour of suppressing the *Irish* Rebellion: And this is most certain, That had *Ireland* continued in Peace, *Scotland* dares not have stirred, as they did, to give assistance to the *English* Rebels, and indeed to give the Fatal Turn to the ballance of the War, which then seemed to incline to the Royal Party; and the great things *Montroß* did there with a handful of Men, easily shew what might have been done to the King's Assistance, if *Ireland* had been in Peace. So that if these Rebellions did not beget one another, as 'tis very probable they did, 'tis certain they fed and supported each others Flames, and betwixt them burnt down both Church and State in these three miserable Kingdoms.

Novemb.

1641.

And that the Reader may see what the *Irish* Rebels said for themselves, I have here subjoyned the *Remonstrance* which they published for their Vindication; a Copy of which was procured from one Mr. *Wentworth*, who had it from them while he was Prisoner among them; and being Printed, I find it among the Collection of the Prints of that Time; The Parliament indeed had one sent over from the Lords Justices in *Ireland*, and I find in the Journal of the Lords, that it was read in their House; but, in regard, though it had some Scandalous Reflections upon the King, as being willing to favour their Religion, which in due time we shall prove utterly false, and that in this common Calumny they agreed with the *English* Rebels, yet in regard it seemed, and that not without great probability, to charge the Rebellion upon the Parliament, and their present Proceedings and future Intentions, the thing was at that time smothered; for it is neither Entred in the Journal, as usually Papers of that Importance were wont to be, nor can I find any Order for the Printing or Publishing of it, or for any Answer to take off the Charge of the Rebels against the Parliament. Take it however as I find it in Print.

### The Remonstrance of the Rebels in Ireland.

**W**HEREAS we the Roman Catholicks of this Kingdom of Ireland, have been continual Loving and Faithful Subjects to his Sacred Majesty, and notwithstanding the General and Hard Oppressions, suffered by Subordinate Governors, to the Ruine of our Lives, Honors and Estates.

Yet having some Liberty of Religion from his Majesty, out of the Effluence of his Princely Love unto Us; We weighing no Corporal Loss, in respect of that great Immunity of the Soul, are inviolably resolved, to infix our Selves, in an immutable and pure Allegiance for ever, to his said Royal Majesty and his Successors.

Now so it is, That the Parliament of England, Maligning and Envyng any Graces, received from his Majesty by our Nation, and knowing none so desired by us, as that of Religion; And likewise perceiving his Majesty to be inclining to give us the Liberty of the same, drew his Majesties Prerogative out of his Hands; thereby largely pretending the General Good of his Majesties Kingdoms: But We the said Catholicks and Loyal Subjects to his Majesty, do probably find, as well by some Acts to pass by them the said Parliament, touching our Religion, in which the Catholicks of England and Scotland did suffer; as also by Threat, to send over the Scottish Army,

The Remonstrance of the Irish Rebels, Oct. 23. 1641.



Novemb.

1641.



with the Sword and Bible in Hand against us, that this whole and studied Plot was, and is not only to extinguish Religion, by which we altogether live Happy, but likewise to supplant us, and raze the Name of Catholick Irish, out of the whole Kingdom. And seeing this Surprise so dangerous, tending absolutely to the overthrow of the Liberty of our Consciences and Country, and also our Gracious King's Power forced from him, in which, and in whose prudent Care over us, our sole Quiet and Comfort consisted; and without the which, the Fear of our present Ruines, did prescribe the Opinion, and premonish us to save our Selves. We therefore, as well to regain his Excellent Majesties said Prerogative, being only due to him and his Successors, and being the Essence and Life of Monarchy, hoping thereby to Confirm a Strong and Invincible Unity, between his Royal and ever happy Love unto us, and our faithful Duty and Loyalty to his incomparable Majesty, have taken Arms, and possessed our Selves, of the best and strongest Forts of this Kingdom, to enable us to serve his Majesty, and defend us from the Tyrannous Resolutions of our Enemies: Thus our Consciences, as we wish the Peace of the same, to our selves and our Posterity, is the Pretence and true Cause of our present Rising in Arms, by which we are resolved to perfect the Advancement of the Truth, and the Safety of our King and Country. Thus much we thought in General, fitting to publish unto the World, to set forth our Innocent and just Cause, the particular whereof shall be speedily declared. Dated 23 October 1641.

We do declare unto God and the World, That what we do or have done, is for the Maintenance of the Kings and our Religion, and for fear these our Doings should be misconstrued, We thought good to make known unto the World, by this our Declaration and Remonstrance.

(1) The several private Meetings of Faction and Ill-disposed People, unto our Government and Common-Wealth, at several Places Plotting and Devising our utter Ruine, and the Extirpation of our Religion.

(2) Several Men imployed by them, with Instruments ready drawn, for to get Hands thereunto, to be preferred to the Parliament of England; whereby they would have the Papists, as they call them, and the Protestant, Bishops of the Kingdom, whom they joyn with the Papists, and hate as they hate the Papists, the Bishops to be deposed, and the Papists banished, or otherwise rooted out of this Kingdom.

(3) The Government of this Kingdom successively, put into the hands of so many Needy and Poor Ministers, who for raising of themselves have byscriving Inventions Poll'd the Gentry and Commons of this Kingdom, that no Man was secured of any thing he had.

(4) We saw his Majesty, to whom we thought to Address our selves was so oppressed by the Arrogancy of such Faithless and Disloyal Subjects, and as it were cut off from all Prerogative, that we could not expect any Redress, as long as they ruled in his Kingdom as now they do.

All which we taking into our serious Consideration, did fear we should be circumvented on the suddain, and for our Security did think fit to arm our Selves for our own Defence and Safety of his Majesty, from such wicked Perturbers of all Common-Wealths, where they get any Superiority, that they will not admit either of the Kings or Bishops; as well Witness Germany: and for the Places we have taken, we will yield them up, when his Majesty pleaseth to Command us, and takes a Course for Securing of us, and the Protestants of this Kingdom, who are only his true and obedient Subjects, against such Faction and Seditious Puritanes, the Disturbers of all States, as had brought the like Misery on Queen Elizabeth and King James, had they



they not been by them and their wise Councils prevented; which we thought fit to intimate unto the good Subjects, that they may the more willingly assist us, until we be at better leisure to make our great Grievances known unto his Majesty, and he have more power to relieve us.

And because they nor any others shall have any reason to accuse me with Partiality, I here present the Reader with a Narrative which I find Printed in P. W.'s Answer to the Lord Orrery as follows:

**T**hey therefore, meaning the English Nation, and the whole World, may be pleased to know, That We, speaking of the Irish, are so far from justifying any horrid Actions perpetrated at that time, when but a few of any Quality raised a Rebellion in the North, as we have, and still make it our request, That those Crimes and all Massacres and Murthers then or after committed, whoever shall be found guilty of them, be punished. Yet we may not omit, although no motive whatsoever could justify their Undertakings, to represent, That before they fell from their Obedience to the Government, Sir William Parsons, one of the Lords Justices that supplied the Deputy's place, at a publique Entertainment before many Witnesses, did positively declare, That within a Twelvemonth, no Catholick should be seen in Ireland. Many hands were sought, and Thousands were found to subscribe a Petition, tending to the introducing a severe Persecution against Catholiques, who were the far greater number of the Inhabitants of Ireland; and the menace of an Invasion of a Scottish Army, of which men did at that time frequently discourse, bred frightful apprehensions. So as these and other Grounds of Suspicion, being improved by such among them, whose particular Interests could be most favoured, and better advanced in Unquiet Times, laid the Foundation of that Rebellion. But even those Men, and at that time, when the Lords Justices did not appear to be prepared for Resistance, by their Remonstrance humbly begg'd their Grievances might be redressed by the Advice of the Two Houses of Parliament then met at Dublin. But the Lords Justices, who by their Words, and Actions, not only Expressed their unwillingness to stop the farther growth of these Distempers, but meant to increase them, and were often heard to wish, That the Number were greater of such as became Criminal, by Proroguing the Parliament, made them Desperate. However, the Nation by their Representatives, in the two days which were only allowed them to Sit, husbanded their time so, as to leave to Posterity a Monument of their aversion to such attempts, by declaring, That those men had Trayterously and Rebelliously taken Arms, and offering to employ their Lives and Fortunes in reducing them to their Obedience, if they might be permitted then to Sit. But this was denied them; and by a strange change from the Ancient Form of Government, a Parliament then Sitting was Prorogued; whereas our Ancestors, upon a far less occasion, then quieting of so high distempers, were usually called upon, to Assist the King with their Advice. To this may be added, That the Earl of Ormond proposed at the Council-Board, the raising of 5000 Men in the space of Three Weeks, if he might be authorised so to do, with which Strength he undertook to dissipate those then weak beginnings of the Ensuing Mischiefs, and to prevent their farther growth, but was refused it; so as thus far we may observe who they were that widened the Wound, instead of stanching the Blood.

This Foundation being thus laid, that which at first was but a spark, and might

Novemb.  
1641.

A Narrative of some things done in the beginning of the Rebellion, which Irish Papists plead in mitigation of their taking Arms.



Novem.  
1641.

might be easily quenched, began to Flame : And freedom of Rapine having suddenly drawn Numbers together, the unrepresst Conspirators became a Formidable Army, and besieged Tredah, passing the River of Boyne, which was the Rubicon of the Pale, and had in all former rebellions been maintained with their blood, by those antient English Colonies planted there : Now it was that the Times began to favour the Design of the Lords Justices, and their Party in the Council, which was as forward as they to foment the Distractions : for the Ulster Army lying in the Bowels of the Country, the Forces being not yet come out of England, and the Natives themselves both unarm'd and distrusted by the State, they were forced at first, by their Regular Contribution, to prevent the desolation which would have followed their refusal to supply them. Hereupon such Contributors began to be looked upon, and Character'd as Men fallen from the Government : And a Party that was sent from Dublin, having killed at Santry, but three Miles distant from thence, some innocent Husband-men, among whom there was two Protestants, and carried their heads as in Triumph to the City, the neighbour Inhabitants alarm'd thereat, had recourse to such Weapons as first came to hand, and gathered in a Body ; whereupon the Lords Justices set forth a Proclamation, in Nature of a safe Conduct, by which, these so in Arms, and Mr. King of Clantarffe by special name, had five days respite to come in and present their Grievances : But before three Nights of the time prefixed were Expired, Mr. King's House was Pillaged, and Burnt by direction of the Lords Justices.

Not long after, supplies being arrived out of England, and the Siege of Tredagh Raised, and consequently the force removed, which necessitated the Inhabitants to comply with the Ulster Army, the Nobility and Gentry of the Pale prevailed with Sir John Read, His Majesties Sworn Servant, a stranger to the Country, un-engaged, and an Eye-witness of their proceedings, then upon his Journey to England, to take the pains to present their Remonstrance to His Majesty, and to beg Pardon for what they were thus compelled to Act. But he poor Gentleman coming to Dublin, was apprehended, and not concealing the Message intrusted with him, was put to the Rack ; the most part of the Questions, which were then asked him in Torment, being no other, then such as might lead him to accuse the King and Queen to be Authors and Fomenters of that Rebellion.

Moreover, the Two Houses of Parliament in England, for the better inducing the Rebels to repent of their wicked attempts, commended to the Lords Justices, according to the Power granted them in that behalf, to bestow His Majesties Gracious Pardon to all such as within a Convenient time, &c. should return to their Obedience. The Lords Justices, notwithstanding such Order, and His Majesties Gracious Pleasure signified to that effect, by their Proclamation dated in November, 1641, limited such His Majesty's, and the Parliament's of England, their favourable and general intentions, to the Inhabitants of a few Counties, provided always, they were not Free-holders ; and afforded them no longer time then Ten days after the Proclamation to receive benefit thereby. But notwithstanding these Restrictions, the Lord of Dunsany, Sir John Netervill, Patrick Barnewal of Kilbrue, and many others who had notice of His Majesties Gracious Inclination towards the Nation, and the Parliament of England's Order in favour of them, submitted to the Lord Marquess of Ormond, then Lieutenant General of His Majesties Army, who recommended them to the Lords Justices, intimating, that the good Usage to be Extended to them, would



Novem.

1641.

would have an Influence on many others, and be a great Motive to quiet the Distempers which then began to spread: But the Lords Justices, whose Design was not to be carried on by Mercy and Indulgence; to prevent Submissions, Imprisoned, and Indicted by a Jury, which did not consist of Freeholders, those so Submitting; and put the said Mr. Barnewal, of the Age of 66 years, to the Torture of the Rack. This notwithstanding, the Noblemen and Gentry inhabiting the Country next to Dublin, applied themselves humbly by their Letter, to the Lords Justices; which when the Earl of Castlehaven a Nobleman of English Birth, who freely, before that time, had access to Dublin, came to present, he was made a Prisoner. Wherefore when the Nation observed, That their advice in Parliament was not only thought unnecessary, but themselves involved in a general distrust:

That neither the Parliaments, nor the Marquess of Ormond's offer to suppress the Rebellion, would be accepted:

That the enforced complying of the Nobility and Gentry of the Pale with a powerful Army, which was Master of their Lives and Fortunes, was imputed to them as a malicious aversion from the English Government:

That the blood of Innocent Husband-men was drawn, and the heads of Men were grown an acceptable Spectacle in Dublin:

That the Publick Faith was broken, and Mens Houses, particularly inabled to claim benefit by it, pillaged and burnt:

That all ways were obstructed by which they might implore His Majesties Mercy, and represent their Conditions:

That the Favourable Intentions of the Parliament of England, and His Majesties Gracious Pardon, which was meant should extend to all, save such as were guilty of blood, was so limited by them, as no estated man could receive benefit by it:

That those who notwithstanding these Restrictions, cast themselves freely upon His Majesties mercy, were Imprisoned, Indicted, and some of them Rack't:

That the Earl of Castlehaven might have found it a Capital Crime to mediate in their behalf, if he had not made his Escape after Twenty Weeks Imprisonment:

That the King's Sworn Servant was Rack't, and his Ministers, whose Duty it was to have been Zealous for the honour of their Master, endeavoured to asperse it; and render him and his Royal Consort odious to his People, by striving to Extort from a tortur'd man, some Testimony, by which they might be accused of raising and Fomenting that Rebellion; When these and many other Arguments, of this kind, which for fear of prolixity are omitted, had convinced the Catholiques of Ireland, that the Lords Justices, and that part of the Council which adhered to them, became unfaithful to His Majesty, and had designed the Ruine of that Nation, and the Extirpation of their Religion, that Law which moves the hand by interposing it self to bear off a stroak aimed at the Head, Convened an Assembly of these, who were exposed to those so eminent dangers, in which they modelled a Government in order to their Natural defence; obliging themselves by such an Oath to His Majesty, his Heirs and Successors, as well shewed their affection to the Crown, and their unalterable resolutions to maintain His Majesties Rights, and to follow his Fortune.

Between these divided Governments there have been Battels fought, Cities and Forts besieged, and much Christian Blood spilt, which will one day lye at some Mens doors: And who those are, the Eternal Wisdom best



Novemb.

1641.

\* Earl of Or-  
very.

best knows, and the Reader is left free to determine. Thus far the said Narrative, Printed and Published at London in the Year 1660, And which I find in P. W's Reply to the \* Person of Quality's Answer, &c. Pag. 7.

By which it appears, That the Lords Justices, used some indiscreet, as well as unjust Severities, which did not a little contribute to the inflaming of the Rebellion; but still it was a Rebellion, which is a Crime so black and horrid in the sight of God and all good Men, that no excuses can Palliate or Extenuate, nor any Circumstances of Hardships or Oppressions, Injustice or Wrongs can justifie; since it is utterly inconsistent with not only all the Rules of Civil Polity, but the Divine Rules of Christianity, which teaches us not to resist the Powers which are ordained of God, under a penalty of Damnation, which is a danger and a loss of so vast Extent, as that the loss of Liberty, Goods, and even Life it self, which are the utmost we can suffer from unjust Men, are but trifles if compared with it, and the Method is Extravagant to the very last Degrees of Folly and Madness, which applies a Medicine Ten Thousand times worse then the Disease, and is such a piece of discretion, as for a Man to leap into the Sea, to avoid a shower which would wet him to the skin.

Without all Controversie the Progress and Growth of this Horrid Rebellion, as before was observed, must be attributed in a great Measure to the Misfortune & Untimely Death of that Great Man and Wise Governor the Earl of *Strafford*. For upon his quitting of *Ireland*, the Nation which before seemed to do, and really enjoyed a most Serene and Quiet Calm of Peace, began to be over-cast and clouded with Discontents, Grievances, Fears and Jealousies, which, notwithstanding all the Power of the Beams of his Majesties Grace and Favour which were so warmly bestowed upon them, were so far from being thereby dissipated that they still Encreased, until at length those black and fullen clouds discharged themselves in the most dismal Tempest of Fire and Blood, that any Age, or almost any Nation under Heaven hath beheld.

And this will most Evidently appear by the Consequences which immediately followed upon the Earl of *Strafford*'s parting with the Reins of that Government: for upon his coming for *England*, *Christopher Wendesford* Esq; Master of the Rolls, was, the 3<sup>d</sup>. of *April*, 1640. sworn Lord Deputy. He was a Person of great Abilities, and one with whom the Earl of *Strafford* had even from their Early Years contracted an Intimacy and Friendship, which Ended not but with their Lives; and so great was his Fidelity to this Noble Earl, that perceiving the Parliament of *Ireland*, who not long before had sung such *Hosanna's* to the Earl of *Strafford* in the Preamble to the Bill of Subsidies, now running as fast down the Hill in joyning with his Enemies in *England*, to procure his Ruin and Destruction, he Adjourned the Parliament in *November* following to the 26<sup>th</sup> of *January*, hoping by that means, to prevent the Blow, which he saw they were levelling at that Wise and Illustrious Head; but notwithstanding all that he could do, the Earl's Enemies made a shift before they broke up to frame a *Remonstrance* against the Earl; and, though he used his utmost Endeavours to stop the Committee of the Parliament from carrying into *England*, yet was he not able to prevent it, nor their passage, but that all the Ports being open, four Lords and 12 Commoners, the greatest part of which were Papists, passed

*Christopher Wendesford* Esq; Mr. of the Rolls in *Ireland* made Lord Deputy there, *April* 3.



fed over into *England*, and Exhibited their *Remonstrance*, and did the Earl all the Ill Offices they were able, for which they were then Highly Countenanced and Carested by the Faction in the *English* Parliament, who, together with the *Scottish* Rebels, then at *London* to finish the Treaty between the Two Kingdoms, pursued the Life of that Great Man with the Utmost Vigor and Animosity that Malice and Power would suggest unto them; The Names of the *Irish* Committees were, The Lord Viscount *Gormanston*, Lord *Kilmalloe*, Lord *Castiloe*, L. *Baltinglass*. Of the Commons, For *Lemster*, *Nich. Plunkett*, *Digby*, *Richard Fitz-Garret*, Esquire. *Munster*, Sir *Hardress Waller*, Sir *Donnogh Mac-Carti*, *John Welsh*, Esquire. *Conaght*, *Robert Linch*, *Geffry Brown*, *Thomas Bourk*, Esquires. *Ulster*, Sir *William Cole*, Sir *James Montgomery*.

Novemb.  
1641.

The Names  
of the *Irish*  
Committee.

The *Remonstrance* was as followeth, addressed first to the L. Deputy *Wendesford*.

*The humble and just Remonstrance of the Knights, Citizens and Burgeses in Parliament Assembled.*

*Shewing,*

‘ **T**HAT in all Ages since the happy subjection of this Kingdom to  
‘ the Imperial Crown of *England*, it was and is a principal study and  
‘ Princely Care of his Majesty and his most noble Progenitors, Kings  
‘ and Queens of *England*, and *Ireland*, to the vast Expence of Treasure  
‘ and Blood; That their Loyal and Dutiful People of this Land of *Ire-*  
‘ *land*, being now for the most part derived from *Brittish* Ancestors,  
‘ should be governed according to the Municipal and Fundamental Laws  
‘ of *England*; That the Statute of *Magna Charta*, or the Great Charter  
‘ of the Liberties of *England*, and other laudable Laws and Statutes were  
‘ in several Parliaments here Enacted and Declared; that by the means  
‘ thereof, and the most Prudent and Benign Government of his Majesty  
‘ and his Royal Progenitors, this Kingdom was, until of late, in its  
‘ growth, a flourishing Estate, whereby the said People were heretofore  
‘ enabled to answer their humble and natural Desires, to comply with  
‘ his Majesties Princely and Royal Occasions, by their free gift of 150  
‘ Thousand pounds *sterling*: And likewise by another free gift of 120  
‘ Thousand pounds more, during the Government of the Lord Viscount  
‘ *Faulkland*, and after by the gift of 40 Thousand pounds, and their free  
‘ and cheerful gift of Six intire Subsidies, in the Tenth Year of his Ma-  
‘ jesties Reign, which to comply with his Majesties then Occasions, sig-  
‘ nified to the then House of Commons, they did allow should amount  
‘ in the Collections unto a Hundred and fifty Thousand pounds (al-  
‘ though as they confidently believe) if the Subsidies had been levied in  
‘ a moderate Parliamentary way, they would not have mounted to much  
‘ more than half the Sum aforesaid, besides the Four intire Subsidies  
‘ granted in this present Parliament.

The *Irish* Re-  
monstrance.

‘ So it is, may it please your Lordship, by the occasion of insuing and  
‘ other Grievances and Innovations, though to his Majesty no consider-  
‘ able Profit, this Kingdom is reduced to that Extream and Universal  
‘ Poverty, that the same is less able to pay Two Subsidies, than it was  
‘ heretofore to satisfy all the before-recited great Payments, and his Ma-  
‘ jesties most Faithful People of the Land, do conceive great Fears, That  
‘ the said Grievances and Consequences thereof, may be hereafter drawn



Novemb.

1641.



‘ into Presidents, to be perpetuated upon their Posterity, which, in their  
 ‘ great hopes and strong belief, they are perswaded is contrary to his  
 ‘ Royal and Princely Intention towards his said People; of which Grie-  
 ‘ vances are as followeth :

‘ 1. First, The general apparent decay of Trades, occasioned by the  
 ‘ new and illegal raising of the Book of Rates, and Impositions upon Na-  
 ‘ tive, and other Commodities, Exported and Imported, by reason where-  
 ‘ of, and of extream Usage and Censures, Merchants are beggered both,  
 ‘ and dis-inabled and discouraged to Trade; and some of the Honorable  
 ‘ Persons who gain thereby often Judges and Parties. And that in the  
 ‘ conclusion his Majesties Profit thereby is not considerably advan-  
 ‘ ced.

‘ 2. The Arbitrary decision of all Civil Causes and Controversies by  
 ‘ paper Petitions, before the Lord Lieutenant and Lord Deputy, and infi-  
 ‘ nite other Judicatories upon references from them derived in the na-  
 ‘ ture of all Actions determinable at the Common Law, not limited into  
 ‘ certain time, cause, season or thing whatsoever: And the consequences  
 ‘ of such exceeding by immoderate and unlawful Fees, by Secretaries,  
 ‘ Clerks, Pursivants, Serjeants at Arms, and otherwise, by which kind of  
 ‘ proceedings his Majesty looseth a considerable part of his Revenue upon  
 ‘ original Writs, and otherwise: and the Subject looseth the benefit of his  
 ‘ Writ of Error, Bill of Reversal, Vouchees, and other Legal and just  
 ‘ advantages, and the ordinary course and Courts of Justice declined.

‘ 3. The proceedings in Civil Causes at Council Board, contrary to  
 ‘ the Law and Great Charter, not limited to any certain time or sea-  
 ‘ son.

‘ 4. That the Subject is in all the material parts thereof denied the  
 ‘ benefit of the Princely graces, and more especially of the Statute of  
 ‘ *Limitations* of 21 Jac. Granted by his Majesty in the Fourth year of  
 ‘ his Reign, upon great advice of Council of *England* and *Ireland*, and for  
 ‘ great consideration, and then published in all the Courts of *Dublin*, and  
 ‘ in all the Counties of this Kingdom in open Assizes, whereby all per-  
 ‘ sons do take notice, That contrary to his Majesties Pious Intentions, his  
 ‘ Subjects of this Land have not enjoyed the benefit of his Majesties  
 ‘ Princely Promise thereby made.

‘ 5. The Extrajudicial avoiding of Letters Patents of Estates; of a  
 ‘ very great part of his Majesties Subjects under the Great Seal (the  
 ‘ Publique Faith of the Kingdom) by private Opinions, delivered at the  
 ‘ Council-Board, without Legal Evictions of their Estates, contrary to the  
 ‘ Law, and without president or example of any former Age.

‘ 6. The Proclamation for the sole Emption and uttering of Tobacco,  
 ‘ which is bought at very low rates, and uttered at high and excessive  
 ‘ rates, by means whereof Thousands of Families within this King-  
 ‘ dome, and of his Majesties Subjects, in several Islands, and other parts  
 ‘ of the *West-Indies* (as your Petitioners are informed) are destroyed;  
 ‘ and the most part of the Coyn of this Kingdom is ingrossed into parti-  
 ‘ cular hands: Infomuch as the Petitioners do conceive that the Profit  
 ‘ arising and engrossed thereby, doth surmount his Majesty's Revenue,  
 ‘ certain or casual, within this Kingdom, and yet his Majesty receiveth  
 ‘ but very little Profit by the same.

‘ 7. The universal and unlawful increasing of Monopolies, to the ad-  
 ‘ vantage of a few, to the disprofit of his Majesty, and Impoverishment of  
 ‘ his People.

‘ 8. The



Novemb.

1641.

8. ' The extream and cruel usage of certain late Commissioners, and  
' other Stewards, the *British* Farmers and Inhabitants of the City and  
' County of *London-Derry*, by means whereof the worthy Plantation  
' of that Country is almost destroyed, and the Inhabitants are reduced  
' to great Poverty, and many of them forced to forsake the Country,  
' the same being the first and most useful Plantation in the large Pro-  
' vince of *Ulster*, to the great weakening of the Kingdom, in this  
' time of danger, the said Plantation being the principal strength of those  
' Parts.

9. ' The late erection of the Court of High-Commission, for Causes  
' Ecclesiastical in those necessitous times, the proceedings of the said  
' Court in many Causes without Legal Warrant; and yet so supported  
' as Prohibitions have not been obtained, though legally sought for:  
' And the excessive Fees exacted by the Ministers thereof, and the en-  
' croaching of the same upon the Jurisdiction of other Ecclesiastical Courts  
' of this Kingdom.

10. ' The exorbitant Fees, and pretended Customs exacted by the  
' Clergy against the Law, some of which have been formerly represen-  
' ted to your Lordship.

11. ' The Petitioners do most heartily bemoan that His Majesties  
' service and profit are much more impaired then advanced, by the Gri-  
' vances aforesaid; and the Subsidies granted in the last Parliament  
' having much increased His Majesties Revenue, by the buying of  
' grants, and otherwise: And that all His Majesties debts then due in  
' this Kingdom, were satisfied out of the said Subsidies; and yet His  
' Majesty is of late (as the Petitioners have been informed, in the House  
' of Commons) become indebted in this Kingdom, in great Sums: And  
' they do therefore humbly beseech, that an exact accompt may be sent  
' to His Majesty, how and in what manner his Treasure issued.

12. ' The Petitioners do humbly conceive just and great fears, at a  
' Proclamation published in this Kingdom, in *Anno Domini* 1635. Pro-  
' hibiting Men of Quality or Estates to depart this Kingdom into *Eng-*  
' *land*, without the Lord Deputies License, wherein the Subjects of this  
' Kingdom are hindred and interrupted from free access to Address to  
' His Sacred Majesty, and Privy Council of *England*, to declare their  
' just Grievances, or to obtain Remedies for them in such sort as their  
' Ancestors have done, in all Ages since the Reign of King *Henry* the  
' Second, and great Fees exacted, for every of the said Licenses

13. ' That of late His Majesties late Attorney General, hath exhi-  
' bited Informations against many Boroughs of this Kingdom, into His  
' Majesty's Court of Exchequer, to shew cause, by what Warrant the  
' said Burgeses (who heretofore sent Burgeses to the Parliament) should  
' send the Burgeses to the Parliament, and thereupon for want of an  
' Answer, the said Priviledges of sending Burgeses was seised by the  
' said Court, which proceedings were altogether *Coram non Judice*, and  
' contrary to the Laws and Priviledges of the House of Parliament (and  
' if way should be given thereunto) would tend to the Subversion of  
' Parliaments, and by consequence to the ruine and destruction of the  
' Common-wealth.

' And that the House of Commons hath hitherto, in this present Par-  
' liament, been deprived of the Advice and Counsel of many profitable  
' and good Members by means thereof.



November,  
1641.

14. ' By the powerfulness of some Ministers of State in this Kingdom, the Parliament in its Members, and Actions, hath not his natural Freedom.

15. ' And lastly, That the Gentry, and Merchants, and other His Majesty's Subjects of this Kingdom, are of late by the Grievances, and Pressures before said, and other the like brought very near to Ruine, and Destruction : And Farmers of Customs, Customers, Waiters, Searchers, Clerks of unwarrantable proceedings, Pursivants, and Goalers, and fundry others, very much enriched, whereby, and by the slow Redress of the Petitioners, His Majesties most Faithful and Dutiful People of this Kingdom, do conceive great fears, that their readines approved upon all occasions, hath not been of late presented to his Sacred Majesty : For remedy whereof the said Petitioners do humbly and of right beseech your Lordship, that the said Grievances and Pressures may be speedily redressed, and if your Lordship shall not think fit to afford present relief, that your Lordship might admit a select Committee of this House of Persons uninteressed in the benefit arising of the aforesaid Grievances to be licensed by your Lordship, to repair to his Sacred Majesty in *England*, for to pursue the same, and to obtain fitting remedy for their aforesaid and other just Grievances and Oppressions, and upon all just and honourable occasions, they will without respect of particular interest or profit to be raised thereby, most humbly and readily in Parliament extend their uttermost endeavour to serve His Majesty, and comply with his Royal and Princely occasions, And shall pray, &c.

Lord Deputy  
*wendesford*  
dies.

L. Dillon, and  
Sir William  
Parsons made  
Lords Justices.

L. Dillon displaced, and Sir  
John Borlase  
substituted in  
his room.

Not long after the Lord Deputy *Wendesford* died, viz. the Third of *December* following ; whereupon *Robert* Lord *Dillon* of *Kilkenny-west*, and Sir *William Parsons* Knight and Baronet, Master of the Court of Wards, were Constituted Lords Justices of *Ireland*, and were accordingly Sworn the 30th of *December* 1640. But the Lord *Dillon*, whose Son had married the Earl of *Strafford*'s Sister, and who being a Person of great Parts and Abilities, and passionately devoted to the Earl's Interests, both by Alliance and Inclination, was no way grateful to the Faction ; it was not long therefore before the King, who in all things endeavoured to sweeten them, by gratifying them in whatever they desired, was prevailed with, at the Importunities of the *Irish* Committees then at the Court, to displace the Lord *Dillon*, and appoint the aforesaid Sir *William Parsons*, and Sir *John Borlase*, to be Lords Justices of the Kingdom of *Ireland*.

These Gentlemen by His Majesties Command applied themselves to give such satisfaction to His Majesties Subjects of *Ireland*, as in reason they could desire, and among other things His Majesty was pleased to reduce the Subsidies from 40000 *l.* a Subsidy to 12000 a piece, and all things seemed to be in a most quiet and peaceable Posture and Condition of Settlement.

But yet even then, which seems much to confirm the Lord *Macguire*'s Confession, this Rebellion was upon the Anvil, for about the latter end of the year 1640, the King received some advertisements of a Design then on Foot, to raise some Commotions in *Ireland* ; whereupon the King, whose care for the Security of his Kingdom and Protestant Subjects of *Ireland* was always awake, caused Sir *Henry Vane*, his Principal Secretary of Estate, to advertise the Lords Justices, *Parsons* and *Borlase*,  
of



of it, and to Command them to take care therein. The Letter which I find in Dr. Borlase's History, was delivered to the Lord Parsons, and found after his Death in his Study by Sir James Barry, Lord Baron of Santry, and presented to His present Majesty, and was in these Terms.

Right Honourable,

**H**IS Majesty hath Commanded me to acquaint your Lordships with an Advice given him from abroad, and confirm'd by his Ministers in Spain and elsewhere, which in this Distemper'd Time, and Conjunction of Affairs, deserves to be seriously consider'd, and an especial care and watchfulness to be had therein: which is, That of late there have passed from Spain (and the like may well have been from other Parts) an unspeakable number of Irish Church-men for England and Ireland, and some good old Soldiers under pretext of asking leave to raise Men for the King of Spain; whereas it is observed, among the Irish Friars there, a whisper runs, as if they expected a Rebellion in Ireland, and particularly in Connaght. Wherefore His Majesty thought fit to give your Lordships this notice, that in your Wisdoms, you might manage the same with that Dexterity and Secresie, as to Discover and Prevent so pernicious a Design, if any such there should be, and to have a watchful Eye on the Proceedings and Actions of those who come thither from abroad, on what pretext soever, and so herewith I rest,

Your Lordships most Humble  
Servant,

White-Hall, March  
the 16th 1640.

Henry Vane.

The preservation of this Letter appears very uncommon, and looks as if Providence interess'd in the Vindication of Oppressed Innocence, had reserved it to clear the Illustrious Memory of the Royal Martyr, from the Barbarous Calumny, which the wickedest of Mankind indeavoured to fix upon him, as being conscious of, and favouring this Execrable Rebellion in Ireland. Whereas this makes it evident beyond the possibility of contradiction, that His Majesty took all the care imaginable to suppress the very first beginnings, and motions towards an Insurrection.

And from hence one may also very probably conjecture at the reason why his Majesty was so willing to comply with the Desire of the Spanish Ambassador, to Transport such a Number of the Irish for the Service of the King his Master; and possibly this very information might be the great inducement which moved his Majesty to consent to their Transportation; for rationally speaking, had these Levies gone forward, and the Military men of that Nation been sent abroad into the Service of Foreign Princes, there could have been no Rebellion, or at least nothing so formidable as it proved; and that which seems to confirm the Conjecture, is, That the Roman Catholick Members of the House of Commons in Ireland, who were acquainted with the Conspiracy, did with all the Artifice and Industry imaginable, as well as the English Parliament, endeavour to obstruct the Transportation of the disbanded and discontented Souldiers, among other Specious and Colourable Arguments,

\* Insinuating

Novem.

1641.

Sir H. Vane's  
Letter to the  
Lords Justices  
concerning  
some Informations of danger in Ireland.



Novem.

1641.

\* Vide Dr.  
Borlase's Hi-  
story, p. 8.

\* insinuating, That the Spaniards having long born ill-will to England, they did not know, how soon those very Regiments (acquainted with every Creek of the Kingdom) might be returned on their own Bowels, having naturally a love to their Religion, which such an Incendiary as the King of Spain, might soon inflame to the highest prejudice.

But however, this Intimation given to the Lords Justices by Secretary Vane's Letter, doth abundantly clear his Majesty from the least degree of Suspicion, of contriving, fomenting, or conniving at this *Irish* Rebellion, so it will fix a blemish either upon the Integrity or Abilities of Sir William Parsons at least, after having so fair Warning given, that he should never be able to penetrate into the Plot of the *Irish*; which sure, a Chief Governor of *Ireland* could not want Means and Instruments to do, till it was so ripe for Execution, as to be impossible to prevent it; and which is worse, to be in no tolerable posture of Provision to Suppress and Extinguish it upon the first Eruption.

Nor did the Conspirators in *Ireland* fail to Use the same Arts and Methods which those of *Scotland* and *England*, and indeed all Conspirators are wont to make Use of, to raise up Fears and Animosities, Jealousies and pretended Grievances to unhinge the People from their Allegiance, by complaining of the Mal-Administration of the Government and Publick Affairs; This the Historian tells us was one of the Master-Pieces of Cataline and his Associates, *illis quæta movere magna merces videbatur*. And thus did the *Irish* Conspirators, for at the meeting of the Parliament, the great business was complaints of Grievances, and Impeachments of High Treason against the Prime Ministers of State; Sir Richard Bolton Lord Chancellor of *Ireland*, and others were Impeached of High Treason, and the Bishop of *Derry*, though contrary to all precedents of that Nature, as was certified by the Lords Justices to the principal Secretary, upon Search made by his Majesties Commands for that purpose: but as Sir John Temple observes, they had a design to draw the Government wholly into the hands of Natives, thereby to facilitate the intended Alteration of the Constitution. And upon this occasion the Popular Men displayed their Talents in aggravating Speeches, to make things little in themselves, swell and appear bulky and grievous.

Upon the Impeachment of Sir Richard Bolton, &c. Mr. Audley Mervin made this following Speech,

My Lords,

Mr. Audley  
Mervin's  
Speech at the  
Exhibiting  
the Articles  
of High Treason  
against Sir  
Richard Bolton,  
&c. March 4.  
1640.

I Am commanded by the Knights, Citizens and Burgesses, of the Commons House, to present unto you *Ireland's* Tragedy, the Gray-Headed Common Laws Funeral, and the Active Statutes Death and Obsequies; This dejected Spectacle Answers but the prefiguring Type of *Cæsar's* Murther, wounded to the Death in the Senate, and by *Brutus* his Bolom Friend, our *Cæsar's* Image by Reflection, even the Fundamental Laws and Statutes of this Kingdom, the sole Means by which our Estates are confirmed, our Liberties preserved, our Lives secured, are Wounded to Death in the Senate, I mean in the Courts of Justice, and by *Brutus* too, even by those Persons that have received their Beings and Subsistance from them, so that here enters those inseperable first Twins, Treasons, and Ingratitude.

In a plain Phrase (My Lords) I tender unto you Treason, High Treason; such a Treason, that wants nothing but Words to express it.

To Counterfeit the King's Seal, to Counterfeit the King's Money it is Treason; but this dies with the individual Party.

To



Novemb.  
1641.

To betray a Fort is Treason, but it dies with a few Men.

To betray an Army is a Treason, but it dies with a Limited Number, which may be reinforced again by Politick Industry.

To blow up both Houses of Parliament is Treason, but succeeding Ages, may replant Branches by a fruitful Posterity; but this High Treason which I do now in the Name of the Houses of Commons, charge and impeach Sir *Richard Boulton* Knight, Lord Chancellor of *Ireland*, and Sir *Gerard Lowther* Knight, Lord Chief Justice of the Common-Pleas; *John* Lord Bishop of *Derry*, Sir *George Ratcliffe* Knight; is in its Nature so far transcending any of the former, that the rest seem to be but petty Larcenies in respect of this.

What is it to Subvert the Fundamental Laws of this Kingdom, ( High Treason ? )

What is it with a contumacious Malice, to Trample under Feet, the rich Legacies of our Fore-Fathers, purchased with Sweat and Expence, I mean the Statute Laws, what is it but High Treason ?

What is it through an Innate Antipathy to the Publick Good, to Incarcerate the Liberty of the Subject, under the Iron and Weighty Chains of an Arbitrary Government ( High Treason ? ) What is it ( since his Majesty the most amiable and delightful Portraiture of Flourishing and Indulgent Justice to his Subjects ) to present him Personated in their Extrajudicial Censures and Judgments; but to possess ( if possible ) the Hearts of his Loyal Subjects of this Kingdom: That he is a Bloody and Devouring Tyrant, and to provoke their never Dying Allegiance, into a Fatal and Desperate Rebellion ?

What is it to Violate the Sacred Grants, of many of his Majesties Progenitors, Kings and Queens of *England* Confirmed under the Broad Seal, being the Publick Faith of this Kingdom, by an Extrajudicial Breath grounded upon no Record ?

What is it to Insert a Surreptitious Clause, forged by some Servile Brain in the Preamble of our last Act of Subsidies, by which the King's Most Excellent Majesty, and the Earl of *Strafford* are placed in one and the same Sphear, allowing them but equal Influences, to nourish the Allegiance of this Kingdom, what is this, but to extol other then Regal Authority, and to Crucify the Majesty of our Most Gracious Sovereign, betwixt the two Thieves of Government, Tyranny and Treason ?

My Lords, having such a full and lasting Gale to drive me into the Depth of these Accusations, I cannot hereby Steer and Confine my Course within the Compass of Patience, since I read in the first Volumes of their Brows, the least of these to be the certain Ruine of the Subject, and if prov'd, a most favourable Prologue to usher in the Tragedy of the Actors, Counsellors and Abettors herein.

What was then the first and main Question ? it was the Subversion of the Fundamental Laws of this Kingdom. Let then *Magna Charta* that lies Prostrated, Besmeared and Grovelling in her own Gore, discount her Wounds as so many Pregnant and Undeniable Proofs, mark the Epethite *Magna κατ' ἐξοχήν* confirmed by thirty Parliaments in the Succession of eight Kings, the Violation of which hath several times engaged the Kingdom of *England* in a Voluntary Sacrifice : a Charter which imposeth that Pleasant and Wel-becoming Oath upon all Sovereignty, to vindicate and preserve the Immunity thereof ; before the Crown incircle their Royal Temples in this Oath of so high consequence and general Interest, his Majesty doth in a manner levie a fine to his Subjects use for avoiding all fraudulent conveyances in the Administration of Justice. And this Oath is transplanted unto the Judges as the Feoffees in trust, appointed between his Majesty and the Subject, and sealed by his Majesties provident care with that emphatical penalty, that their Estates and Lives shall be in the Kings mercy upon the Violation of the same, either in whole or in part, neither hath the deserved punishment for the breach of this Oath enacted as *fulgura ex vitrio*, or as bugbears to inforce the obedience of Children ; no, my Lords, the just execution of it upon their Predecessors though in breaches not so capital, might have warned them to have strangled their ill born resolutions in the Cradle, before they now proclaim their infancie and petition for their punishment. Witness Sir *Thomas Weyland* his banishment, confiscation of



Novemb.

1641.

of his Goods and Lands only for his mercenary Justice contrary to his Oath, who was Chief Justice of the *Common Pleas* in the time of *Edward* the first. Witness Sir *William Thorp*, Chief Justice of the *Kings Bench*, in the time of *Edward* the Third, who was adjudged to be hanged, because he had broken the Kings Oath made unto the People wherewith he was intrusted in the Roll.

Now, my Lords, though *Magna Charta* be sacred for antiquity, though its confirmation be strengthened by Oath, though it be the proper Dictionary that expounds *meum & tuum*, and assigns a Subject his Birth-right; yet it only survives in the Rolls, but now miserable rent and torn in the practice.

These words *Salvo contentemento*, live in the Rolls, but they are dead in the Castle Chamber.

These words, *Nullus liber homo ejicitur è libero suo tenemento, in præjudicium parium*, live in the Rolls, but they are dead where property and free-hold are determined by paper-Petitions.

These words, *Nulli vendemus, nulli differemus Justitiam*, live in the Rolls, but they are dead when the Suites, Judgments, and Execution of the Subjects are wittingly and illegally suspended, retarded and avoided.

Shall we desire to search the mortal wounds inflicted upon the Statute Laws, who sees them not lying upon their death Bed stab'd with Proclamations, their primitive and genuine tenures escheated by Acts of State, and strangled by *Monopolies*.

Will you survey the Liberties of the Subjects, every Prison spues out illegal Attachments and Commitments, every Pillory is dyed with the forced Blood of the Subjects, and hath ears, though not to hear, yet to Witness this complaint.

Do you doubt of the defacement of the amiable Offices of his Majesties most transplendent and renowned Justice, and Grace? let then that *Microcosme* of Letters Patents confirmed under his Majesties and his Predecessors broad Seal of the Kingdom, being the publick faith thereof, and yet unchristened by frivolous and private opinions, rise up in Judgment; let the abortive Judgment of the tenure *in Capite*, where no tenure was exprest, nay let the Heretical and Traiterous opinions where the Tenure was exprest, yet to draw in all by Markets and Faires granted in the same Patents rise up in Judgments. What glass hath this unhappy divided Kingdom from his Majesties presence and audience, to contemplate the fair and ravishing form of his Royal intentions in, but in the clear and diaphanous administration of his Justice? and what do these Trayterous and Illegal practises aim at but in affront to his Majesty (which we most tenderly resent) and discontent to his Subjects, to multiply as by a Magick Glass, the Royal dispensation of his Favors, into the ugly and deformed Visage of their Suppression of the Liberties, Devastation of the Estates, and the Deprivation of the Lives of his Loyal Subjects? so that it may be said;

*Regali Capiti cervicem consul equinam,*

*Jungere sic vellet variasque inducere plumas.*

My Lords, these ought to be considered with as serious an Ear, as they were practised by mischievous Experiments.

Inquire of the *Netherlands*, why their Fields are grown Fertile, by the Inundation of Blood, why the pensive Matrons solemnize too too frequent Funerals of their Husbands and Issue, and they will Answer you, it was for the Preservation of their Hereditary Laws, which Tyranny would have innovated.

This Kingdom personated in the fable Habit of a Widdow, with dishelved Hairs seems to Petition your Lordships, That since she is a Mother to most of us, yet certainly a Nurse unto us all, that you would make some other for Redress of her Tyrannical Oppression.

These Persons Impeached, resemble the *opacous* Body of the Earth, interposed to Eclipse that Light and Vigor, which the *solar* Aspect of Majesty would communicate unto his Subjects.

They Imitate the Fish *Sepia*, that vomits a Dark Liquor out of her Mouth, to cloud the Waters for her securer Escape.

They are those whom to the Keys have been committed, yet they have barred the Door to them that Knock.

They



Novem.

1641.

They are those Unnatural Parents, that give their Children Stones, instead of Bread, and Scorpions for Fish. Was it for this purpose that the Royal Authority situated them in these Eminent Places, that like Beacons upon high Hills, they should Discover and Proclaim each Innovation and Stratagem against the Publick Weal; whilst they in the mean time imploy therein Fire to Publick Incendiary, or like *Ignes fatui*, seduce the easie and believing Traveller into Pits, and unexpected Myres?

Were they sworn to Seal their Damnation, and not their Confirmation of our Liberty, Estates and Lives? Shall a man be censured for Perjury, in that Breach of his private Faith, and those be justifiable in Treason, aggravated by Perjury against the Dignity of the Crowns, and Publick Faith of the Kingdoms? No my Lords, the Grave, Judicious and Mature Examination, and deserved Punishment of these Traiterous Proceedings, will speak these times as glorious to Posterity in their Information, as they are now Lamented in their Persecution.

The Blood-Thirsting Sword of an Hostile Enemy, by a timely Union, and a defensive Preparation may be prevented.

The thin-rib'd Carcass of an universal Famine, may have his Consumption restored by a supply from our Neighbouring Nations.

The quick spreading Venom of Infectious Pestilence may be prevented by Antidotes, and qualified by Physical Remedies. But this Catholick Grievance, like a Snake in the most verdant Walks, (for such are the unblemished Laws truly practised) stings us to Death, when we are most secure; and like the King's-Evil, can only be cured by his Majesties free and gracious Permission of our Modest and Gentle Proceedings, for his Vindication and our Preservation therein concluded.

Spencer and Gaveston who have left their Names monumentally Odious, for the Evil Counsel they fed the King's Ear with, yet did possibly Advantage their own Friends, while these dart their Envy and Treason for a common Center, equally touching the Bounds of every Superficies: for as concerning the valid Estates they have Illegally overthrown, when the Laws by your Lordships Industry, receive their Native Vigor, they will re-assume their Confirmation: but the Estates happily in themselves Legal, that they have in an extrajudicial Form established, will haste as speedily to their Dissolution, so that Judas-like, they betray their best Friends with a Kiss.

My Lords, I cannot find any surviving *Chronology* of times, this Season to be parallell'd with all Circumstances, which makes me view the Records amongst the Infernal Spirits to find, if match't there, I might extenuate their Facts: where first they appear like the False Spirit, sent into the Mouth of the Prophet to *Ahab*, to speak Delusions to subvert the Host of God.

The most Vehement and Traiterous encounter of Sathan, is lively deciphered in the true example of *Job*: where first, I observe the Disinology, he overthrows not *Job's Magna Charta*, he disleizes him not of his Inheritance, nor disposses him of his Leases; but only disrobes him of some part of his Personal Estate: when he proceeds to infringe *Job's* Liberty, he doth not Pillory him, nor cut off his Ears, nor bore him through the Tongue; he only Spots him with some Ulcers; here Sathan staies, when these Persons by their Traiterous Combinations, Envy the very Blood that runs unspilt in our Veins; and by obtruding bloody Acts, damn'd in the last Parliament, will give Sathan *size ace*, and the Dice at *Irish*, in intralling the Lives of the Subjects, by their Arbitrary Judicature.

I would not, My Lords, be understood to impute to the Judges, an infallibility of Error: nor in *Impeaching these*, to traduce those, whose Candor and Integrity, shine with more admired Lustre, than their white Furrs, who like Trophies of Virgin-Justice, stood fixed and unmov'd in the rapid Torrent of the Times, while these like Straws and Chips plaid in the Streams, until they are devolved in the Ocean of their deserved Ruine.

No, My Lords, *humanum est errare*, and the Law allows *Writs of Error*, and Arrest of Judgment: but where there is *crassa ignorantia* against their Oath, against the Fundamental, Elementary, and known Laws of the Kingdom: Nay (My Lords where it is rather *Premeditata Malitia*, where there is an emulating



Novemb.

1641.

Policy, who should raze and embesel the Records in the Pratick, that are for the Tender preservation of our Liberties, Estates and Lives, seeking only to be glorious in a National Destruction, as if their Safety were only involved in our Ruine, there I have command to Pitty, but not excuse them.

To kill a Judg, *Quatenus* a Judg, is not Treason, but to kill a Judg sitting in the Place of Judicature, is Treason; not for that the Law intends it out of any Malice against the Party, but for the Malice against the Law: where then can an Intensive, or an extensive Malice be exprest or implied against the Law, then the Practical Dialect of these Persons impeach't, speaks with a known and crying Accent.

The *Benjamites* sling Stones with their left Hands, yet they would not miss a Hairs breadth; these extrajudicial Proceedings are sling with the left, I mean they are Sinistrisous, and imprint their black and blew Marks, more certain, and more fatal; for that they may say, *Qua regio in terris nostri non plena laboris?* Though these things be familiar unto us, yet I cannot but admire how this unproportionable Body of Judicature, should swell up into such a vast and ulcerous Dimension; but why should I, considering this excentrick Motion of the Body of the Law, had his Birth obscure, resembling the Tares, that were sowed in the Night time? but here is the difference; they were sown by the Enemy in the absence of the Master: *But these are Sown by the Grand-Masters themselves, purposely to over-top and choak the expected Harvest.*

Innovations in Law, and consequently in Government, creep in like Heresies in Religion, slyly and slowly, pleading in the end a Sawcy and Usurp't Legitimacy, by uncontroul'd Prescription.

My Lords, this is the first sitting, and I have only chalked out this deformed Body of High Treason: I have not drawn it at length, lest it might fright you from the further view thereof: in Conclusion, it is the humble desire of the Commons, That the Parties Impeached, may be secured in their Persons, Sequestred from this House, from the Counsel-Table, and all Places of Judicature, as being *Civiliter Mortui*; that they may put in their Answers to the Articles, ready now to be exhibited against them: and that all such further Proceedings may be secretly expedited, as may be Suitable to Justice, and the Precedents of Parliaments, so his Majesty may appear in his Triumphant Goodness and Indulgency to his People: and his People may be Ravilht in their dutiful and Cheerful Obedience and Loyalty to his Majesty: your Lordships may live in Records to Posterity, as the instrumental Reformers of those corrupted Times, and that the Kingdom and Common-Wealth may pay an amiable Sacrifice in *Retribution*, and acknowledgment of his Majesties multiplied Providence for our Preservation herein.

The Articles  
of High Treason  
against Sir  
Richard Bolton,  
&c.

*Articles of the Knights, Citizens and Burgeses in the Parliament Assembled, against Sir Richard Bolton Knight, Lord Chancellor of Ireland, John Lord Bishop of Derry, and Sir Gerard Lowther Knight, Lord Chief Justice of his Majesties Court of Common-Pleas, and Sir George Radcliffe Knight, in mainenance of the Accusation, whereby they, and every of them, stand Charged with High-Treason.*

**F**irst, That they the said Sir Richard Bolton Knight, Lord Chancellor of Ireland, John Lord Bishop of Derry, Sir Gerard Lowther Knight, Lord Chief Justice of his Majesties Court of Common-Pleas, and Sir George Radcliffe Knight, intending the Destruction of the Common-Wealth of this Realm, have Traiterously Confederated and Conspired together, to Subvert the Fundamental Laws and Government of this Kingdom, and in Pursuance thereof, they and every of them, have Traiterously Contrived, Introduced, and Exercised an Arbitrary and Tyrannical Government against Law, thorowout this Kingdom, by the Countenance and Assistance of Thomas Earl of Strafford, then Chief Governor of this Kingdom.

I I.

That they and every of them, the said Sir Richard Bolton Knight, Lord Chancellor



Chancellor of *Ireland*, *John* Lord Bishop of *Derry*, Sir *Gerard Lowther* Knight, Lord Chief Justice of the *Common-Pleas*, and Sir *George Radcliffe* Knight, have Traiterously assumed to themselves, and every one of them, regal Power over the Goods, Persons, Lands and Liberties of his Majesties Subjects in this Realm; and likewise have Maliciously, Perfidiously and Traiterously Given, Declared, Pronounced and Published, many False, Unjust and Erroneous Opinions, Judgments, Sentences and Decrees, in Extrajudicial manner against Law, and have Perpetrated, Practised and Done, many other Traiterous and unlawful Acts and Things, whereby as well divers Mutinies, Seditions and Rebellions have been raised, as also many Thousands of his Majesties Liege People of this Kingdom, have been Ruined in their Goods, Lands, Liberties and Lives, and many of them being of good Quality and Reputation, have been utterly defamed by Pillory, Mutilation of Members, and other infamous Punishments: By means whereof his Majesty and the Kingdom, have been deprived of their Service in Juries, and other Publick Employments, and the general Trade and Traffick of this Island, for the most part destroyed, and his Majesty highly Damned, in his Customs and other Revenues.

Novemb.  
1641.

III.

That they the said Sir *Richard Bolton*, *John* Lord Bishop of *Derry*, Sir *Gerard Lowther* Knight, and Sir *George Radcliffe*, and every of them, the better to preserve themselves, and the said Earl of *Strafford*, in these and other Traiterous Courses, have laboured to Subvert the Rights of Parliament, and the ancient Course of Parliamentary Proceedings: all which Offences were contrived, Committed, Perpetrated, and done at such time, as the said Sir *Richard Bolton*, Sir *Gerard Lowther* and Sir *George Radcliffe* Knights, were privy Counsellors of State within this Kingdom, and against their and every of their Oaths of the same, at such times as the said Sir *R. Bolton* Knight, was Lord Chancellor of *Ireland*, Chief Baron of his Majesties Court of Exchequer, within this Kingdom, and Sir *Gerard Lowther* Knight, was Lord Chief Justice of the said Court of Common-Pleas, and against their Oaths of the same, and at such time as the said *John* Lord Bishop of *Derry*, was actual Bishop of *Derry*, within this Kingdom, and were done and speciated contrary to their, and every of their Allegiance, several and respective Oaths taken in that behalf.

IV.

For which the said Knights, Citizens and Burgesses, do Impeach the said Sir *Richard Bolton*, Lord Chancellor of *Ireland*, *John* Lord Bishop of *Derry*, Sir *Gerard Lowther* Knight, Lord Chief Justice of his Majesties said Court of Common-Pleas, and Sir *George Radcliffe* Knight aforesaid, and every of them of High-Treason, against our Sovereign Lord the King, his Crown and Dignity.

The said Knights, Citizens and Burgesses, by Protestation, saving to themselves, the Liberty of exhibiting at any time hereafter, any Accusation or Impeachment against the said Sir *Richard Bolton*, *John* Lord Bishop of *Derry*, Sir *Gerard Lowther*, and Sir *George Radcliffe* aforesaid, and every of them, and also of replying to them, and every of their Answers, which they and every of them, shall make to the said Articles, or any of them, and of offering Proof also of the Premises, or of any other Impeachment, or Accusation, as shall be by them Exhibited; as the Case shall according to the Course of Parliament require.

And the said Knights, Citizens and Burgesses do pray, that the said Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*, *John* Lord Bishop of *Derry*, Sir *Gerard Lowther* Knight, Lord Chief Justice of his Majesties said Court of Common-Pleas, and Sir *George Radcliffe* Knight, and every of them, be put to Answer to all and every of the Premises, and that all such Proceedings, Examinations, Tryal and Judgment, may be upon them and every of them, had and used, as is agreeable to Law and Justice.

*Copia vera.*

Signed,

PHILIP PHERNESLY,  
Cler. Parliamenti.



Novemb.

1641.

Thus did these Popular Reforming Protestants, help to unhinge the Government, and not only helped forward the Designs of the *Irish*, if Sir John Temple's observation before mentioned be true, of their endeavours to push out the present Ministers, and to get into their places, but they gave great Countenance, especially to the Vulgar, and colourable pretences to the Ensuing Rebellion; when even the Protestants of the Parliament of *Ireland*, as well as the Parliament of *England*, by their severe Procedure against the Earl of *Strafford*, for misgovernment and Oppressions done in *Ireland*, by impeaching of these Persons, and by their repeated loud Complaints of Grievances, Wrongs and Injustice, publickly defamed his Majesties Government, and proclaimed to the whole World, That those Miseries, which the *Irish* suffered, under those their Governors, and for the Redress of which, they pretended to take up Arms, were so great, real and intolerable, that both the Parliaments of *England* and *Ireland*, were so deeply sensible of them, as to acknowledg, and thus bitterly inveigh against them.

Nor were the active men of the Commons House there less busie, but the Lawyers, *Darcy, Martin, Plunket, Cusack, Brown, Linch, Bodkin, Evers* and others, took upon them with much confidence to declare the Law, and to frame several *Queries*, which being proposed to the Judges, and their Modest Answers not being satisfactory, they gave out Resolutions of their own upon them, such as might serve their Interest and Designs, rather then comport with the Honor, Duty, and Allegiance which they owed to their Sovereign. The *Queries*, together with the Judges Answers to them, as also their own Resolutions, which were transmitted hither, I find in the Paper-Office as followeth.

*Questions wherein the House of Commons humbly desires that the House of the Lords would be pleased to require the Judges to deliver their Resolutions.*

Queries propounded by the Parliament of *Ireland*, to the Judges of that Kingdom.

IN as much as the Subjects of this Kingdom are Free, Loyal, and Dutiful Subjects to his most Excellent Majesty, their Natural Liege-Lord and King, and to be governed only by the Common Lawes of *England*, and Statutes of Force in this Kingdom, in the same manner and form as his Majesties Subjects of the Kingdom of *England* are, and ought to be Governed by the said Common-Laws, and Statutes of Force in that Kingdom, which of Right the Subjects of this Kingdom do Challenge and make their Protestation, to be their Birth-right and best Inheritance; Yet in as much as the unlawful Actions and Proceedings of some of his Majesties Officers, and Ministers of Justice of late years introduced and practised in this Kingdom, did tend to the infringing and violation of the Laws, Liberties, and Freedom of the said Subjects of this Kingdom, contrary to his Majesties Royal and Pious Intentions; Therefore the Knights, Citizens, and Burgeses in Parliament Assembled, (not for any Doubt, or Ambiguity, which may be conceived or thought of, for or concerning the Premisses, nor of the ensuing Questions,) But for the manifestation and declaration of the Clear Truth, and of the said Laws and Statutes already planted, and for many Ages past settled in this Kingdom, the said Knights, Citizens, and Burgeses, do therefore pray, That the House of the Lords may be pleased to Command the Judges of this Kingdom forthwith to declare



‘ declare in Writing their Resolutions of and unto the ensuing Questions,  
‘ and subscribe to the same.

Novem.

1641.

Quest. 1. **W**Hether the Subjects of this Kingdom be a Free People;  
and to be Governed only by the Common Laws of England;  
and Statutes of Force in this Kingdom?

2. Whether the Judges of this Land do take the Oath of Judges?  
And if so, Whether under pretext of any Act of State, Proclamation, Writ,  
Letter or Direction, under the Great, or Privy Seal, or Privy Signet, or  
Letter, or other Commandment from the Lord Lieutenant, Lord Deputy,  
Justice, Justices, or other Governor, or Governors of this Kingdom, they may  
hinder, stay or delay the Suit of any Subject, or his Judgment, or Exe-  
cution thereupon. If so, in what Cases? And whether if they do hinder,  
stay, or delay such Suit, Judgment or Execution thereupon, what Punish-  
ment did they incur for their deviation, or transgression therein?

3. Whether the Kings Majesties Privy Council either with the  
Chief Governor or Governors of this Kingdom, or without him or them, be  
a Place of Judicature by the Common Laws, and wherein Causes between  
Party and Party, for Debts, Trespasses, Accompts, Possessions, or Title of  
Lands, or any of them; And which of them may be heard, and determined,  
and of what Civil Causes they have Jurisdiction, and by what Law; And  
of what Force is their Order, or Decree in such Cases, or any of them?

4. The Like of the Chief Governor alone.

5. Whether Grants of Monopolies be warranted by the Law, and  
of what, and in what Cases, and how and where, and by whom are the  
pretended Transgressors against such Grants punishable; and whether by  
Fine, Mutilation of Members, Imprisonment, Loss, and Forfeiture of  
Goods, or otherwise, and which of them?

6. In what Cases the Lord Lieutenant, Lord Deputy, or other  
Chief Governor, or Governors of this Kingdom and Council, may punish  
by Fine, Imprisonment, Mutilation of Members, Pillory, or otherwise; And  
whether they may Sentence any to such the same, or the like punishment, for  
infringing the Commands of or concerning any Proclamation of and concern-  
ing Monopolies, and what punishment do they incur that Vote for them?

7. Of what Force is an Act of State, or Proclamation in this  
Kingdom to bind the Liberties, Goods, Possessions, or Inheritance of the  
Natives thereof; whether, or any of them can alter the Common Law, or  
the Infringers of them loose their Goods, Chattels or Leases, or forfeit the  
same by Infringing any such Act of State, or Proclamation, or both; And  
what punishment do the sworn Judges of the Law that are Privy Council-  
lors incur, that Vote for such Act, and Execution thereof?

8. Are the Subjects of this Kingdom subject to the Martial Law;  
And whether any man in time of Peace, no Enemy being in the Field  
with Banners displayed, can be Sentenced to death? If so, by whom, and  
in what Cases? If not, What Punishments do they incur, that in time of  
Peace execute Martial Law?

9. Whether



Novemb.

1641.

9. Whether Voluntary Oaths taken freely before Arbitrators for Affirmance, or Disaffirmance of any thing, or for the true performance of any thing, be punishable in the Castle-Chamber, or any other Court; and why, and wherefore?

10. Why, and by what Law, or by what Rule of Policy is it, that none is admitted to Reducement of Fines or other Penalties, in the Castle-Chamber, or Council Table, untill he confess the Offence for which he is Censured, when as Revera he might be innocent thereof, tho suborned Proofs, or Circumstances might induce the Censure?

11. Whether the Judges of the Kings-Bench, or any other Judge of Gaol-Delivery, or of any other Court, and by what Law, do, or can deny Copies of Indictment of Felony, or Treason, to the Parties accused, contrary to Law?

12. What Power have the Barons of the Court of Exchequer, to raise the Respite of Homage arbitrarily to what Rate they please, to what Value they may raise it, by what Law they may distinguish between the Respit of Homage upon the diversity of the true value of the Fees; when as Escuage is the same for great and small Fees, and are apportionable by Parliament?

13. Whether it be Censurable in the Subjects of this Kingdom to repair into England to appeal to his Majesty for Redress of Injuries, or other Lawful Occasions? If so, why, and in what Condition of Persons, and by what Law?

14. Whether Deans, or other Dignitaries of Cathedral Churches be properly, and de Mero jure Donative, by the King, and not Elective, or Collative? If so, Why, and by what Law? And whether the Confirmation of a Dean de Facto of the Bishops Grant be good, or valid in Law, or no? If not, by what Law?

15. Whether the issuing of Quo Warranto's out of the Kings-Bench, or Exchequer, against Boroughs, that antiently, and recently sent Burgeses to the Parliament, to shew Cause why they sent Burgeses to the Parliament, be Legal? If not, what punishment ought to be inflicted upon those that are or have been the Occasioners, Procurers, and Judges, of and in such Quo Warranto's?

16. By what Law are Jurors, that give Verdict according to their Conscience, and are the sole Judges of the Fact, Censured in the Castle-Chamber, in great Fines, and sometime Pillored, with loss of Ears, and bored through the Tongue, and marked sometimes in the Forehead, with an Hot Iron; and other like Infamous Punishments?

17. By what Law are men Censurable in the Castle-Chamber, with the Mutilation of Members, or any other Brand of Infamy; and in what Cases, and what punishment in each Case there is due, without Respect to the quality of the Person or Persons?

18. Whether in the Censure in the Castle-Chamber, Regard be to be



be had to the words of the Great Charter, (viz.) Salvo Contenemento.  
 &c.

Novem.  
 1641.

19. Whether if one that steals a Sheep, or commits any other Felony, and after flyeth the Course of Justice, or lyeth in Woods or Mountains upon his keeping, be a Traytor? If not, whether a Proclamation can make him so?

20. Whether the Testimony or Evidence of Rebels, Traytors, Protected Thieves, or other infamous Persons, be good Evidence in Law to be pressed upon the Tryals of Men for their Lives; or whether the Judge or Jurors ought to be Judge of the matter in Fact?

21. By what Law are Fairs and Markets to be held in Capite, when no other expresse Tenure is mentioned in his Majesties Letters Patents, or Grants of the same Fairs and Markets, Altho the Rent or Tearly Sum be reserved thereout?

22. Whether it stands with the Integrity of the Judge to take Four shillings per pound out of all Increases unto his Majesty upon Compositions on defective Titles, by avoiding such Patents as the same Judge condemns in an Extrajudicial way?

Copia Vera,

This last Question is added  
 by Order of the Lords  
 House.

Ex. per Phill. Percivall.

*The Answer, and Declaration of the Judges unto the Questions Transmitted from the Honourable House of Commons, unto the Lords Spiritual and Temporal in Parliament Assembled; whereto they desired their Lordships to require the said Judges Answers in Writing forthwith.*

1. **F**irst, The said Judges do in all Humbleness desire to represent unto your Lordships, the great sense of Grief they apprehend out of their Fear, that they are fallen from that good Opinion which they desire to retain with your Lordships, and the said House of Commons, in that, notwithstanding their humble Petition, and Reasons to the contrary exhibited in Writing, and declared in this most Honourable House, your Lordships have Over-ruled, and often Comanded their Answers unto the said Questions: Although they have informed your Lordships, and still with assurance do aver, That no Precedent in any Age can be shewn, that any Judges, before them, were Required, or Comanded to give Answer in Writing, or otherwise, unto such general, or so many Questions in such a manner in Parliament or elsewhere, unless in that time of King Rich. 2. which they humbly conceive is not to be drawn into Example: And therefore they yet humbly Supplicate your Lordships so far to tender their Professions, and Places, and their Relation to his Majesties Service, as to take into your serious Considerations the Reasons annex'd unto this their Answers, before their Answers be answered, or admitted among  
 the

The Judges  
 Answer to the  
 Queries pro-  
 pounded by  
 the Parlia-  
 ment.



Novemb.

1641.

the Acts of this High Court : And that if your Lordships in your Wisdomes shall after think fit to give any Copies of their Answers, that for their Justification to the Present and Succeeding Times, your Lordships will be pleased to require the Clerk of this most Honourable House, That no Copy may be given of the said Answers, without the said Reasons.

2. Secondly, The said Judges humbly desire your Lordships to be pleased to be informed, That the words in His Majesties Writ, by which they are Commanded to attend in Parliament, are, *That the said Judges shall be present, with the Lord Justices, or other Chief Governor : And your Lordships at the said Parliament called, Pro arduis, & urgentibus Regni negotiis super dictis negotiis tractaturi & Consilium suum impensuri.* And they desire your Lordships to take into your serious Considerations ; Whether any Advice may be required by your Lordships from them, but concerning such particular matters as are in Treaty, and Agitation, and Judicially depending before your Lordships, upon which your Lordships may give a Judgment, Order or Sentence to be recorded among the Orders and Acts of this Honourable House : And whether they may be Commanded by your Lordships to Subscribe their Hands unto any Opinion or Advice they shall give, upon any matter in Debate before your Lordships there : And whether your Lordships conceive any final Resolution upon the matters contained in the said Questions.

3. Thirdly, Although the said Questions are but 22 in number, yet they say, That they contain at least Fifty general Questions, many of them of several matters, and of several natures ; within the Resolution of which most of the greatest Affairs of this Kingdom, both for Church and Common-wealth, for late years may be included. And therefore the said Judges do openly aforehand profess, That if any particular that may have Relation to any of those Questions, shall hereafter come Judicially before them ; and that either upon Argument or Debate ( which is the Sieve or Fan of Truth ) or Discovery of any general Inconveniences to King or Common-wealth in Time ( which is the Mother of Truth ) or by further Search, or Information in any particular they shall see Cause, or receive Satisfaction for it, they will not be Concluded by any Answers they now give unto any of those general Questions ; but they will upon better Ground, and Reason with their Predecessors the Judges in all Ages, with Holy Fathers, Councils and Parliaments, retract and alter their Opinion according to their Conscience, and Knowledge, and the Matter, and Circumstances of the Cause, as it shall appear in Judgment before them ; it being most certain, That no general Case may be so put, but a Circumstance in the matter or manner may alter a Resolution concerning the same.

4. Fourthly, The succeeding Judges, and Age, notwithstanding any Answer given by the now Judges, may be of another Opinion then the now Judges are, without disparagement to themselves, or the now Judges, in regard that many particular Circumstances in many particular Cases may fall out, that may alter the Reason of the Law in such Case, which could not be included or foreseen in a general Question, or Answer thereunto : And therefore they desire your Lordships to consider



Novem.

1641.

consider of what use such Answers may be to the present or future Times.

5. 'Fifthly, Many of the said Questions, as they are propounded (as the said Judges humbly conceive) do concern His Majesty in a high Degree in his Regal and Prerogative Power, in this Government in his Revenue, in the Jurisdictions of his Courts, in his martial Affairs, and in Ministers of State; so that the said Judges, considering their Oaths, and the Duty, which by their Places they owe unto His Majesty, humbly, may not with safety give Answer thereunto, without special direction from His Majesty: And therefore they still humbly pray your Lordships, as formerly they did, not to press any Answers from them, untill His Majesties Princely pleasure therein be signified.

6. 'Sixthly, If the matters of those Questions which aim at some abuses of former Times, were reduced into Bills, they conceive, it were the speedy way to have such a Reformation, which might bind the present Times and Posterity: And in such proceedings they ought, and would most chearfully contribute their Opinions, and best endeavours; but in such a course as they apprehend it, which points at punishment, they have Reason to be sparing in giving any Opinion further then the Duty of their Places doth Command from them.

7. 'Seventhly, Although it may be conceived that the Answering of such, and so many general Questions by the now Judges, may contribute some help to the Reformation now so much desired; yet no Man knoweth, but this new Precedent in propounding such Questions to Judge, in succeeding Times (as the Judges, and frame and Constitution of the Common-wealth may be) may fall out to be most prejudicial to the State or Common-wealth.

8. 'Eighthly, Most of the matters of several of the said Questions are already by your Lordships, and the said House of Commons Voted, and represented unto His Majesty for Grievances, and therefore no Opinions of the said Judges, under favour, are needful, or to be required thereunto, unless the same shall come in further Agitation, and discussion in this Honourable House.

9. 'Lastly, The Judges Opinions are not usually call'd upon in Parliament, but when upon Debate, great and difficult Points in Law do arise, where this most Honourable doth think fit to Command their Opinions; but no Resolutions do belong unto the said Judges in Parliament, but unto your Lordships; yet in the Front and Preamble of the said Questions, the Resolution of the said Questions by the Judges is forthwith desired to be required by your Lordships in Writing: Although the first Question (*Viz.*) *Whether the Subjects of this Kingdom, &c.* be positively resolved by the Preamble to the said Questions, in which it is likewise declared, That the said Judges Answers thereunto are not desired *For any Doubt, or Ambiguity, which may be conceived or thought of, for or concerning the Premises, nor of the said Questions; but for Manifestation and Declaration of a clear Truth, and of the Laws and Statutes already planted and settled in this Kingdom:* And they conceive it is impossible to make any Manifestation or Declaration of Law or Statutes, which may hold, or



Novem.

1641.

‘ be useful upon such general Questions, as most of these are, namely,  
 ‘ by what Laws, in what Cases, of what Power, of what Force, How,  
 ‘ Where, and Why, by Whom, Wherefore, what punishment, by what  
 ‘ Rule of Policy, in what Condition of Persons : In regard that the  
 ‘ next succeeding Judges may be of another Opinion ; and that a Cir-  
 ‘ cumstance may alter the Reason of the Law in many particular Cases,  
 ‘ which the Wit of Man is not able to foresee, or give a general Rule  
 ‘ in : And they say, That to give any satisfaction to your Lordships,  
 ‘ or the Honourable House of Commons, would make up a great Vo-  
 ‘ lume, and require far more time, then your Lordships have afforded  
 ‘ unto the said Judges ; considering their great Toyl in the Circuits  
 ‘ the last long Vacation, their other Employments in the Common-  
 ‘ wealth at their daily Attendance on your Lordships in Parliaments,  
 ‘ and in ordering Courts of Justice ; and yet lest they may seem to  
 ‘ come any way short in performance of that Duty, which they confess  
 ‘ to be due unto your Lordships, or be wanting in promoting and ad-  
 ‘ vancing the Good of the Common-wealth, which they believe to be  
 ‘ aimed at by the said Questions, though it may seem to draw Da-  
 ‘ mage or Prejudice upon their Particulars, They do in all humbleness  
 ‘ present unto your Lordships the ensuing Answers unto the said Que-  
 ‘ stions, which is as much as by their Oaths, or in their Duty they  
 ‘ owe unto His Sacred Majesty ( before his Princely pleasure be therein  
 ‘ signified ) they can answer thereunto.

**T**O the First they Answer, ‘ That the Subjects of this Kingdom are  
 ‘ a Free People, and are for the general to be Govern’d only by  
 ‘ the Common Laws of *England*, and Statutes of Force in this Kingdom :  
 ‘ yet they say, That as in *England* many Statutes are grown obsolete,  
 ‘ and out of use ; and some particular Ancient Laws, as well in Crimi-  
 ‘ nal as Civil Causes, have been changed by Interpretation of the Jud-  
 ‘ ges there, as they found it most agreeable for the general Good of  
 ‘ the Common-wealth, and as the Times did require it, so our Prede-  
 ‘ cessors the Judges of this Kingdom, as the Necessity of the Times did  
 ‘ move them, did declare the Law in some particular Cases, otherwise  
 ‘ then the same is practised in *England* ; which the now Judges can-  
 ‘ not alter, without apparent diminution of a great part of His Maje-  
 ‘ sties standing Revenue, and opening a Gap for the shaking, and que-  
 ‘ stioning the Estates of many of His Majesties Subjects, and the over-  
 ‘ throwing of several Judgments, Orders and Decrees, which depend  
 ‘ thereupon : For Example, If it be found by Office of Record sufficient  
 ‘ for Form, That a Man was killed in actual Rebellion, and at the time  
 ‘ of his Death, he was seised of Lands, Hereditaments, Goods, or Chat-  
 ‘ tels, by the constant Declaration of Law and Practise in former times  
 ‘ here, the Crown was Intitled to such Lands, Goods, and Chattels, and  
 ‘ many Mens Estates depend thereupon ; and yet the Law is not so  
 ‘ taken in *England*. So, If one or more commit Felony, and then stand  
 ‘ out upon his, or their keeping, and he or they will not submit them-  
 ‘ selves to be tryed by the Law, but being in that Case, do rob, or spoil,  
 ‘ and terrifie His Majesties People, whereby the Country is disquieted ;  
 ‘ This by the constant Opinion of our Predecessors in this Kingdom,  
 ‘ hath been adjudged a Levying of War within the Statute of 25 E. 3.  
 ‘ and so consequently Treason. Also by the common received Opini-  
 ‘ on, and Practice of this Kingdom, the Wife is to have a Third of all  
 the



Novemb.  
1641.

the Goods and Chattels, and Credits of her Husband, the Debts being paid, although he dispose of all by his Will from her: And yet the constant Practise is otherwise in *England*: And other Instances of that kind might be made; so that that word [*Only*] must receive a benign Exposition, before the first Question can receive a general Answer in the Affirmative. Secondly, Many Causes of great Weight, and Consequence in this Kingdom are to be Decreed and Ordered by Equity in the proper Courts of Equity; and in Course of State at the Council Board, and by particular Customes not contrary to Law, for which the Common Law, and Statutes of Force in this Kingdom gave no Remedy. Thirdly, There are several other Laws of Force in *England*, and *Ireland*, so far as they have been received, which though some would have to be part of the Common Law of *England*, yet we find them particularly distinguished from it in our Printed Books, and Parliament Rolls in *England*; As, *Lex & Consuetudo Parliamenti, jura Belli*, Ecclesiastical or Canon Law in certain Cases, Civil Law in some Cases, not only in Ecclesiastical Courts, but in the Courts of Constable and Marshal, and of the Admiralty, and upon particular occasions in other Courts, *Lex Mercatoria*, &c.

2. To the Second they say, That the Judges of this Kingdom do take the Oath of Judges; which Oath is specified amongst the Statutes in 18 *E. 3.* And is afterwards explained by the *Stat.* of 20 *E. 3.* And that they may not stay, hinder or delay the Suit of any Subject or his Judgment, or Execution thereupon (otherwise than according to the Law and Course of the Court, when they Sit, under pretence of any Act of State, Proclamation, Writ, Letter or Direction, under the Great or Privy Seal, or Privy Signet, or Letter or other Commandment, Lord Lieutenant, Lord Deputy, Justice, Justices, or other Chief Governors of this Kingdom; most of which doth appear by their Oath expressed in the Statutes, and the Statute of 20 *E. 3. c. 8.* And the Statute of 20 *E. 3. c. 2.* as to the Barons of the *Exchequer*; And that as they know no Punishments due to Judges for their Deviations and Transgressions without other Aggravation, so they know no punishment laid down by any Law against them for their Deviations and Transgressions in hindering, staying, or delaying of Justice contrary to their said Oath, and the Statute of 20 *E. 3.*

3. To the Third they say, That it is part of their said Oath as Judges, that they shall not Counsel or assent to any thing that may turn to the damage or disherison of our Sovereign Lord the Kings most Excellent Majesty, by any manner of way, or colour; And that they give no Advice or Counsel to any man great or small, in no Case, wherein the King is a Party; And that they shall do, and procure the Profit of the King, and his Crown in all Things, where they may reasonably do the same; And that in the Explanation of their said Oaths by the Statute of 20 *E. 3. c. 1.* It is declared, *That they shall give no Counsel to great Men, nor small, in case where the King is Party, or which doth, or may touch the King in any point.* And as your Lordships have been honourably pleased by an Order of this Honourable House bearing date the first of *March, Anno Domini, 1640. Annoque Regni Regis Caroli 16.* to give way, That they should not be Compelled to Answer any part of the said Questions, which did concern his Majesties Prerogative,



Novemb.

1641.

‘tive, or were against their Oaths; so they humbly represent unto  
 ‘your Lordships, That they conceive, that the Answering of the Par-  
 ‘ticulars of this Question doth concern both; for that the King’s Pri-  
 ‘vy Council, as the Questions terms it, or Council Board, is a Court  
 ‘of his Majesties high Prerogative, where all Proceedings are before  
 ‘him and his Council, or before his Governor ( who immediately to  
 ‘many Purposes, represent his Majesties Person, ) and the Council;  
 ‘And where the great Affairs of State concerning his Majesties Ho-  
 ‘nor, Government, Profit, and of great Persons and Causes, concern-  
 ‘ing the Common-Wealth, which may not be conveniently remedied,  
 ‘by the ordinary Rules of the Common-Law, and many other Cases  
 ‘have been Treated of, and managed; And as his Majesty is the Foun-  
 ‘tain of all Justice within this Kingdom, and may grant Cognizances  
 ‘of Pleas unto his Subjects, and Corporations, and may by his Com-  
 ‘missions, Authorize whom he shall think fit, to Execute many Bran-  
 ‘ches of his Authority; so We humbly conceive, That it doth not  
 ‘stand, with our Oathes or Duties of our Places ( who are but Judges  
 ‘of the ordinary Courts of Justice ) before his Majesties Pleasure signifi-  
 ‘ed in that behalf, to seek into the Commissions, or Instructions of  
 ‘the Chief Governor, and Council, or to give any Opinion concern-  
 ‘ing the Limits, Jurisdictions, Orders, Decrees, Proceedings, or Mem-  
 ‘bers of that High Court; And that the King, hath a Prerogative for  
 ‘hearing some of the Matters in this Question, specified before his  
 ‘Chief Governor. We beseech your Lordships, to cast your Eyes on  
 ‘the Statute of 28 H. 6. c. 2. in this Kingdom; where after Matters are  
 ‘directed, to be sent to the Ordinary Courts, yet the King’s Prerogative  
 ‘is expressly saved; notwithstanding all which, his Gracious Majesty,  
 ‘for whom it is most proper, hath of late been pleased to Limit the Pro-  
 ‘ceedings of that Board, by his Instructions in Print.

‘4. To the fourth, they Answer as to the Third.

‘5. To the fifth they say, That generally all Grants of Monopolies,  
 ‘whereby Trading, Manufacture, or Commerce is restrained, and the  
 ‘Profit which should go to many, is hindred and brought into a few  
 ‘Hands, are against Law, and the Liberty of the Subject, and the Good  
 ‘of the Commonwealth, tho they carry never so fair a pretence of Re-  
 ‘forming Abuses; And that the pretended Transgressors against such  
 ‘Grants are not at all punishable by any Rule of Law that they know  
 ‘of: And yet they say, That they conceive, That his Majesty, that  
 ‘is the Head and Father of the Commonwealth, may restrain the Use,  
 ‘and Importation, and Exportation of certain Commodities, or restrain  
 ‘the same into a few Hands for a time, where there may be a likelihood  
 ‘of his Majesties Profit, (which is the profit of the Commonwealth) and  
 ‘no apparent prejudice to the Commonwealth doth appear; And that  
 ‘when time shall discover such Prejudice, then such Restraint ought to  
 ‘Cease. So if a man by his own Invention at home, or Travel, Obser-  
 ‘vation, or Charge abroad, doth introduce a new profitable or useful  
 ‘Trade, or Profession into the Commonwealth; in such Cases his Ma-  
 ‘jesty may lawfully Grant, and License the only making of such Com-  
 ‘modity, or teaching or using of such Trade for a certain time, and the  
 ‘Transgressors against such Warrantable Grants may be punished, by  
 ‘paying of Damages unto the Patentee, in an ordinary Course of Justice,  
 ‘or



Novemb.

1641.

‘ or otherwise as the nature of the Offence and Matter doth deserve, and  
 ‘ as the Consequence, and Importance of the matter may be to the King,  
 ‘ State or Commonwealth : And they say, That the Matter, Manner, Re-  
 ‘ strictions, Limitations, Reservations, and other Clauses contained in  
 ‘ such Grants or Licenses, and the Commissions, or Proclamations there-  
 ‘ upon, and undue Execution thereof, and several Circumstances, may  
 ‘ make the same Lawful or Unlawful, whereof they are not able to give  
 ‘ any Certain Resolution (before some Particular comes in Judgment be-  
 ‘ fore them), neither are they otherwise able to answer the Generals in  
 ‘ the Particulars of the said Question, *Of what, in what Cases, how, where,*  
 ‘ *and by whom, or which of them*; wherein whosoever desires further sa-  
 ‘ tisfaction, he may please to have Recourse to the known Cases of Mono-  
 ‘ polies in printed Authorities, and written Records, and unto the Sta-  
 ‘ tute of 21 Jac. in Engl. concerning *Monopolies*, and their several Excep-  
 ‘ tions and Limitations therein.

‘ 6. To the Sixth they say, They can no otherwise answer then they  
 ‘ have already in their Answer to the Third Question, for the Reasons  
 ‘ therein set forth.

‘ 7. To the Seventh they say, That a Proclamation, or Act of State  
 ‘ cannot alter the Common Law, and that Proclamations are Acts of  
 ‘ his Majesties Prerogative, and are, and always have been of great use,  
 ‘ and that the Contemnors of such of them, as are not against the Law,  
 ‘ are, and by the constant Practise of the Star-Chamber in *England*, have  
 ‘ been punished according to the Nature of the Contempt, and Course  
 ‘ of the said Court; And although Acts of State, are not of Force to  
 ‘ bind the Goods, Possessions and Inheritance of the Subject, yet they  
 ‘ have been of great use, for settling of the Estates of very many Sub-  
 ‘ jects in this Kingdom; as may appear in the Report of the Case of  
 ‘ *Irish Gavil-Kind* in Print; And further to that Question they cannot  
 ‘ Answer, for the Reasons in their Answer unto the third Question set  
 ‘ forth.

‘ 8. To the Eighth they say, That they know no ordinary Rule of  
 ‘ Law, by the which the Subjects of this Kingdom, are made Subject  
 ‘ to Martial Law in time of Peace, and that they find the use thereof,  
 ‘ in the time of Peace in *England* complained of, in the *Petition of*  
 ‘ *Right*, exhibited unto his Majesty in the third year of his Reign;  
 ‘ and that they conceive, That the Granting of Authority and Com-  
 ‘ mission for execution thereof, is derived out of his Majesties Regal  
 ‘ and Prerogative Power, for suppressing of sudden and great Insolen-  
 ‘ cies, Insurrections among Armies, or Multitudes of Armed Men law-  
 ‘ fully or unlawfully convented together, the right use whereof in all  
 ‘ times hath been found most necessary in this Kingdom; And further to  
 ‘ that Question they cannot Answer, for that (as they conceive) it  
 ‘ doth concern his Majesties Regal Power, and that the Answer of the  
 ‘ other Part of the Question, doth properly belong to another Profes-  
 ‘ sion, whereof they have no Cognizance.

‘ 9. To the Ninth they say, That as the taking of any Oath, be-  
 ‘ fore any but such Judges, or Persons as have Power to give, or De-  
 ‘ mand an Oath, for decision of Controversies, is by most Divines, in  
 ‘ most



Novemb.

1641.



' most Cases, counted to be a rash Oath, and so an Offence against God  
 ' within the third Commandment; so the perscribing, or demanding  
 ' of a set Oath, by any that cannot derive Power so to do, from the  
 ' Crown (where the Fountain of Justice under God doth reside) Is an  
 ' Offence against the Law of the Land; and as for Voluntary and  
 ' Extrajudicial Oaths, altho freely taken, before Arbitrators or others,  
 ' they say (as this Kingdom is Compos'd in many Particulars, as the  
 ' Nature and Consequence of the Course, or the Quality of the Per-  
 ' son who taketh, or before whom the same is taken, may concern the  
 ' Common-Wealth, or the Members thereof,) such taking of such Oaths,  
 ' or Proceeding or Grounding on such Oath, in deciding of Differences  
 ' according to the several Circumstances, that may occur therein, or  
 ' the Prejudice it may introduce to the Common-Wealth, may be  
 ' punishable by the Common Law; or if it grow unto an height or  
 ' general Inconvenience to the Common-Wealth, or Members thereof in  
 ' the Castle-Chamber; for tho such an Oath be Voluntary, yet in most  
 ' Cases it is received by him, that doth intend to ground his Judgment  
 ' thereon, and after the Oath is taken, the Arbitrator, or he that in-  
 ' tends to yield Faith to the Party that took the Oath, doth examine  
 ' him upon one or more Questions upon the said Oath unto the An-  
 ' swer, whereof he doth give Faith and Assent, trusting on the said Oath;  
 ' And whereas Oaths, by God's Institution, were chiefly allowed to be  
 ' taken before lawful Magistrates for ending Controversies, yet com-  
 ' mon Experience doth teach in this Kingdom, That oftentimes Orders,  
 ' and Acts grounded on such Voluntary Oaths beget Strife, and Suits;  
 ' and commonly such Orders, when they come to be measured by the  
 ' Rules of Law, or Equity in the King's Courts, become void, after much  
 ' expence of Time and Charge, that we say nothing of that, that there-  
 ' by many Causes proper for the King's Courts, are drawn *ad aliud exa-*  
 ' *men*, are thereby the Justice and Courts often defrauded and de-  
 ' clined.

' 10. To the Tenth they say, That they are not Judges of Rules of  
 ' Policy, but of Law, and that they know no certain Rule of Law,  
 ' concerning Reducement of Fines, the same being Matters of his Ma-  
 ' jesties meer Grace, after a Man is censured for an Offence. And that  
 ' they know no Law, that none shall be admitted to Reducement of  
 ' his Fines, or other Penalties in the Courts, in the Question specified,  
 ' until he confess the Fact, for which he was Censured: But forasmuch  
 ' as the admittance or Reducement after Conviction for an Offence, is  
 ' Matter of Grace, and not Justice. It hath been the constant Course  
 ' of those Courts, both here and in *England*, for clearing of his Majesties  
 ' Justice (where the Party will not go about to clear himself, by rever-  
 ' sal of the Censure or Decree) not to admit him to that Grace, until  
 ' he hath confessed the justness of the Censure, pronounced by the  
 ' Court against him; and that the rather, for that commonly the Abi-  
 ' lity or disability of the Party, doth not appear in Judgment before  
 ' them, but the Nature and Circumstances of the Offence, according  
 ' to which they gave Sentence against him, or them in *Terrorem*, after  
 ' which, when the Party shall make the weakness of his Estate to ap-  
 ' pear, or that the Court is otherwise ascertained thereof, they do of  
 ' Course proportion the Censure or Penalty, having regard to his  
 ' Estate.

' 11 To



Novemb.

1641.

11. To the Eleventh they say, ' That neither the Judges of the *King's Bench* ( as they inform us that are of that Court ) or Justices of Goal-Delivery, or of any other Court, do or can by any Law they know, deny the Copies of Indictments of Felony or Treason to the Party only Accused, as by the said Question is demanded.

12. To the Twelfth they say, ' That where Lands are holden of the King by Knights-Service in *Capite*, the Tenant by the strict Course of Law ought in Person to do his Homage to the King : And until he hath done his Homage, the Ancient Course of the Exchequer hath been, and yet is to issue Process of *Distingas* out of the second Remembrancers Office to distrain the Tenants, *ad faciendum Homagium* ; or *ad faciendum finem pro Homagio suo respectuando* ; upon which Process the Sheriff returneth Issues ; and if the Tenants do not thereupon appear, and compound with the King to give a Fine for Respite of Homage, then the Issues are forfeited to the King for the Contempt. But if he appear, then the Court of Exchequer doth agree with him to Respite his Homage for a small Fine, wherein they regulate themselves under the Rate expressed, and set down in *England* by Virtue of a Privy Seal, in the 15th year of Queen *Elizabeth*, wherein the Rates are particularly set down, according to the yearly value of the Lands ; which Rates are confirmed by Act of Parliament in the first of King *James*, c. 26. in *England* ; before which time there was not any such certainty, but the same rested in the discretion of the Court by the Rule of Common Law ; and so it doth at this day in *Ireland*. Howbeit, we conceive that the Court of Exchequer here, do well to regulate their discretions by those Rates in *England*, and rather to be under than to exceed the same, which the Barons there do, as they do inform us, that are Judges of the other Courts.

13. To the 13th they say, ' That they know no Rule of Law, or Statute by which it should be Censurable in the Subjects of this Kingdom to Repair and Appeal unto His Majesty for Redress of Injuries, or for other their Lawful occasions, unless they be prohibited by His Majesties Writ or Proclamation, or other his Command : But they find, that by the Statute of 5 R. 2. that the passage of the Subjects out of the Realm is prohibited without special License, excepting Noblemen, and others in the said Statute specially excepted ; and some inference to that purpose may be made upon that Statute of 25 H. 6. c. 2. in this Kingdom.

14. To the Fourteenth they say, ' That some Deanries and Dignities ( not Deans or Dignitaries as the Question propounds it ) are properly *Et de mero Jure*, Donative by the King, some Elective, and some Collative, according to the first Foundation, and Usage of those Churches. And they humbly desire that they may not be required to give any further Answer to this Question, for that it may concern many Mens Estates, which may come Judicially before them.

15. To the Fifteenth they say, ' That they conceive that where Priviledges are claimed, by any Body Politic, or other, the King's Council may exhibit a *Quo Warranto* to cause the Parties claiming such Priviledges, to set forth, and shew by what Warrant they claim the same ;  
' and



Novem.

1641.

and that the Court cannot hinder the issuing of Process at the Instance of the King's Attorney, to exhibit such Information: But when the Case shall upon the Proceedings be brought to Judgment, then, and not before the Court is to take notice, and give Judgment upon the Merit, and Circumstances of the Cause, as upon due consideration shall be conceived to be according to Law; in which Case the Judges, nor the King's Attorney (as they conceive) ought to be punished by any ordinary Rule of Law or Statute that they know; But for this particular Question of *Quo Warranto*, for that it hath been a great Question in this present Parliament, and concerns the highest Court of Justice in this Kingdom, and also concerns two other of His Majesties Courts of Justice, and therein His Majesties Prerogative in those Courts, they cannot safely deliver any Opinion therein, before it comes Judicially before them, and that they hear it argued, and debated by Learned Council on both sides.

16. To the Sixteenth they say, ' That although the Jurors be the sole Judges of the matter of Fact, yet the Judges of the Court are Judges of the Validity of the Evidence, and of the matters of Law arising out of the same, wherein the Jury ought to be guided by them; And if the Jury in any Criminal Cause between the King, and Party give their Verdict contrary to clear and apparent Evidence delivered in Court, they have been constantly, and still ought to be Censured in the Star-Chamber in *England*, and Castle-Chamber here, for this misdemeanour in perverting the right Course of Justice in such Fines, and other punishment, as the Merits and Circumstances of the Cause doth deserve, according to the Course of the said Courts. For that their Consciences ought to be directed by the Evidence, and not be misguided by their Wills and Affections; and if the Jury know any matter of Fact, which may either better or blemish their Evidence, they may take advantage thereof, but they ought to discover the same to the Judges; And they say, That this proceeding in the Court of Castle-Chamber is out of the same ground, that Writs of *Attaint* are against a Jury that gives a false Verdict in a Court of Record at the Common Law, betwixt Party and Party; which false Verdict being found by a Jury of 24; notwithstanding that the first Jurors were Judges of the Fact, yet that infamous Judgment was pronounced against the first Jury, which is next, or rather worse then Judgment of Death, and lay a perpetual brand of Perjury upon them; for which reason it was Antiently called the *Villainous Judgment*: And they say, That the Law to direct the punishment for such Offence, is the course of the said Court, which is a Law as to that purpose; and the Statute of 3 *H. 7. cap. 1, 2.* and other Statutes of Force in this Kingdom.

17. To the Seventeenth they say, They can answer no otherwise then they have in their Answer to the next precedent Question.

18. To the Eighteenth they say, That in a Legal Construction, the Statute of *Magna Charta*, in which the words of *Salvo Contenemento* are mentioned, is only to be understood of Amerciaments, and not of Fines; Yet where great Fines are imposed in *Terrorem* upon the reducement of them, regard is to be had to the Ability of the Persons.

19. To



Novem.

I. 641.

19. To the Nineteenth they say, That if one doth steal a Sheep, or commit other Felony, and after flyeth the Course of Justice, or lyeth in Woods or Mountains upon his Keeping, Yet he doth not thereby become a Traytor, neither doth a Proclamation make him so; the Chief use whereof in such a case, is to invite the Party so standing out, to submit himself to Justice, or to forewarn others of the danger they may run into by Keeping him Company, or giving him Maintenance or Relief, whereby he may the Rather submit to Justice.

20. To the Twentieth they say, That the Testimony or Evidence of Rebels or Traytors, under Protection, or Thieves, or other Infamous persons, is not to be used or pressed as Convincing Evidence upon the Tryal of any man for his Life; And so is his Majesties printed Instructions as to persons Condemned, or under Protection; yet the Testimony of such persons not condemned, may be given in Evidence at the Tryal, and being fortified with other Concurring Proof, or Apparent Circumstances, may be pressed upon any Tryal, and for discovering their Fellows, or Abettors, or Relievers, as the Circumstances may offer themselves in their Examination, especially if before they Confess themselves guilty of the Offence in Imitation of the Approver at the Common Law, whereof no Certain Rule may be given; And it needs not be made a Question here, *Whether the Jurors, or Judges ought to be Judges of the matter of Fact*, It being positively laid down in the 16th Question, that they are; and tho their false Verdict doth convince or not convince the Prisoner, yet they may be questioned and punish'd for a false Verdict, as in their Answer to the 16th is already declared.

21. To the Twenty first they say, That that Question is now judicially depending, and hath been already solemnly argued in his Majesties Court of Wards, in which Court their Assistance for declaration of the Law therein is already required; And therefore they humbly desire they may not be compelled to give any Opinion touching that Point, until it be resolved there.

22. To the Two and twentieth they say, That they do conceive there is no matter of Law contained in the said Question; yet for further satisfaction of your Lordships, they say, That upon View of an Act of State, bearing date at his Majesties Castle of *Dublin* the 24th of December 1636. grounded upon his Majesties Letters of the 5th of July last past, it appears unto them, that Four shillings in the pound as of his Majesties free Gift and Reward out of the first payment of the Increase of Rent reserved to his Majesty, was allow'd unto the Judges that were Commissioners, and attended that Service; And they humbly conceive, That the receiving of that Four shillings in the pound of his Majesties Bounty, stands well with the Integrity of a Judge; And those Judges did inform them, That they did not avoid any Letters Patents upon those Commissions of Defective Titles, but receive such to Compound as submitted, for the strengthening of their defective Patents and Titles; And such as would stand upon the Validity of their Grants, were left to the Tryal of Law; And that the Compositions made after the said Grants of 4 s. in the pound, were made according



Novemb.

1641.

to Rules and Rates agreed upon by all the Commissioners before his Majesty's said Letters, or the said Act of State, and not otherwise.

The *Commons* not being satisfied with these Sober and Calm Resolutions of the Judges, fell to Voting their own Sense, and to make Declarations of the Law upon their former *Queries* as followeth.

*Questions propounded in Parliament, And Declarations of the Law thereupon in Parliament.*

The Declaration of the Commons in Ireland upon the Queries propounded to the Judges.

Quest. 1. **W**Hether the Subjects of this Kingdom be a Free People, and to be Governed only by the Common Laws of England, and Statutes of Force in this Kingdom?

*Declarat.* The Subjects of this his Majesties Kingdom of Ireland, are a free People, and to be Governed only, according the Common Law of England, and Statutes made and established by Parliament in this Kingdom of Ireland, and according to the Lawful Customs, used in the same.

2. Quest. Whether the Judges of this Land do take the Oath of Judges? And if so, Whether under pretext of any Act of State, Proclamation, Writ, Letter or Direction, under the Seal, or Privy Seal, Signet, or Letter, or other Commandment from the Lord Lieutenant, Lord Deputy, Justice, Justices, or other Chief Governor, or Governors of this Kingdom, they may hinder, stay or delay the Suit of any Subject, or his Judgment, or Execution thereupon. If so, in what Cases? And whether if they do hinder, stay, or delay such Suit, or Judgment or Execution thereupon, what Punishment do they incur for their deviation and transgression therein?

*Declarat.* That Judges in Ireland, ought to take the Oath of the Justices, or Judges declared and established, in several Parliaments of Force in this Kingdom, and the said Judges, or any of them by Color, or under Pretext of any Act of State or Proclamation, or under Color, or Pretext of any Writ, Letter, or Direction under the Great Seal, Privy Seal, or Privy Signet, from the King's Most Excellent Majesty, or by Color or Pretext of any Letter or Commandment from the Chief Governor, or Governors of this Kingdom, ought not to hinder or delay the Suit of any Subject, or his Judgment or Execution thereupon; and if any Letters, Writs or Commands come from his Majesty, or from any other, or for any other Cause to the Justices, or to the other deputed to do the Law, and right according to the Usage of the Realm, in disturbance of the Law, or of the Execution of the same, or of Right to the Party, the Justices and others aforesaid, ought to proceed and hold their Courts and Processes, where the Pleas and Matters be depending before them, as if no such Letters, Writs or Commandments were come to them; And in case any Judge or Judges, Justice or Justices be found in default therein, he, or they so found in default, ought to incur, and undergo due Punishment, according to the Law and former Declarations and Provisions in Parliament, in that Case made, and of Force in this Kingdom, or as shall be Ordered, Adjudged or Declared in Parliament. And the Barons of the Exchequer, Justices of the Assize and Goal-delivery (if they be found in default as aforesaid) It is hereby declared, That they ought to undergo the Punishment aforesaid.

3. Quest. Whether the Kings Majesties Privy Council either with the Chief Governor or Governors of this Kingdom, or without him or them, be a Place of Judicature by the Commons Laws, and wherein Causes between Party and Party, for Debts, Trespasses, Accompts, Possessions, or Title of Lands,



*Lands, or any of them; or which of them may be heard, and determined, and of what Civil Causes they have Jurisdiction, and by what Law; And of what Force is their Order, or Decree in such Cases, or any of them?*

Novemb.  
1641.

*Declarat.* The Council Table of this Realm; either with the Chief Governor or Governors, or without the Chief Governor or Governors, is no Judiciary; wherein any Action Real, Personal, Popular or Mixt, or any Suit in the Nature of the said Actions, or any of them, can or ought to be Commenced, Heard or Determined, and all Proceedings at the Council Table in any Suit, in the nature of any of the said Actions are void, especially Causes particularly provided for, by expresse Acts of Parliament of Force in this Kingdom only excepted.

4. Quest. *The Like of the Chief Governor alone.*

*Declarat.* The Proceedings before the Chief Governor or Governors alone in any Action Real, Personal, Popular or Mixt, or in any Suit in the Nature of any of the said Actions, are *Coram non Judice*, and void.

5. Quest. *Whether Grants of Monopolies be warranted by the Law, and of what, and in what Cases, and how and where, and by whom are the pretended Transgressors against such Grants punishable; and whether by Fine, Mutilation of Members, Imprisonment, Loss, and Forfeiture of Goods, or otherwise, and which of them?*

*Declarat.* All Grants of Monopolies are contrary to the Laws of this Realm, and therefore void, and no Subject of the said Realm ought to be Fined, Imprisoned, or otherwise Punished, for exercising or using the Lawful Liberty of a Subject, contrary to such Grants.

6. Quest. *In what Cases the Lord Lieutenant, Lord Deputy, or other Chief Governor, or Governors of this Kingdom and Council, may punish by Fine, Imprisonment, Mutilation of Members, Pillory, or otherwise; And whether they may Sentence any to such the same, or the like punishment, for infringing the Commands of or concerning any Proclamation of and concerning Monopolies, and what punishment do they incur that Vote for the same?*

*Declarat.* The Lord Lieutenant, Lord Deputy, or other Chief Governor, or Governors, and Council of this Realm, or any of them, ought not to imprison any of his Majesties Subjects, but only in Cases, where the Common Laws or Statutes of the Realm do inable, and warrant them so to do; and they ought not to Fine, or to Censure any Subject in mutilation of Member, standing on the Pillory, or other shameful Punishment in any Case, at the Council Table; and no Subject ought to be Imprisoned, Fined, or otherwise Punished, for Infringing any Commands or Proclamation, for the support or Countenance of Monopolies; and if in any Case, any Person or Persons, shall be committed by the Command, or Warrant of the Chief Governor or Governors, and Privy Council of this Realm, or any of them, That in every such Case, every Person, or Persons so Committed, restrained of his, or their Liberty, or suffering Imprisonment, upon Demand or Motion, made by his or their Counsel, or other employed by him or them for that purpose, unto the Judges of the Court of Kings-Bench, or Common-Pleas in open Court, shall without delay upon any Pretence whatsoever, for the ordinary Fees usually paid for the same, have forthwith granted unto him or them, a Writ or Writs of *Habeas Corpus* to be directed generally unto all and every Sheriff, Goaler, Minister, Officer, or other Person, in whose Custody the Party or Parties so Committed or Restrained shall be, shall at the Return of the said Writ or Writs, and according to the Command thereof, upon due and convenient notice thereof, given to him at the



November,

1641.

Charge of the Party or Parties who requireth, or procureth such Writ or Writs, and upon Security, by his or their own Bond or Bonds, given to pay the Charge of carrying back the Prisoner or Prisoners, if he, or they shall be commanded by the Court, to which he or they shall be brought, as in like Cases has been used, such Charges of bringing up, and carrying back the Prisoner or Prisoners, to be always ordered by the Court, if any Difference shall arise there, about bringing or cause to be brought, the Body or Bodies of the said Party or Parties so committed or restrained unto, and before the Judges, and Justices of the said Court, from whence the same Writ or Writs shall issue in open Court, and shall then likewise certify the true Cause of such his or their Detainers or Imprisonment, and thereupon the Court after such Return made and delivered in open Court, shall proceed to examine, and determine, whether the Cause of such Commitment appearing upon the said Return, be just and legal or not, and shall thereupon do what to Justice shall appertain, either by Delivering, Bailing, or remanding the Prisoner or Prisoners.

7. *Quest. Of what Force is an Act of State, or Proclamation in this Kingdom to bind the Liberty, Goods, Possessions, or Inheritance of the Natives thereof; whether they, or any of them can alter the Common Law, or the Infringers of them loose their Goods, Chattels or Leases, or forfeit the same by Infringing any such Act of State, Proclamation, or both; And what punishment do the sworn Judges of the Law that are Privy Counsellors incur, that Vote for such Acts, and Execution thereof?*

*Declarat.* An Act of State, or Proclamation in this Kingdom, cannot bind the Liberty, Inheritance, Possession or Goods of the Subjects of the said Kingdom, nor alter the Common Law, and the Infringers of any such Act of State, or Proclamation, ought not to forfeit Lands, Leases, Goods or Chattels for the infringing of any such Act of State or Proclamation; and the Judges of the Law, who do vote for such Acts of State or Proclamation, are punishable as Breakers and Violators of their Oaths of Judges.

8. *Quest. Are the Subjects of this Kingdom subject to the Martial Law; And whether any man in the time of Peace, no Enemy being in the Field with Banners displayed, can be Sentenced to death? If so, by whom, and in what Cases? If not, What Punishments do they incur, that in time of Peace execute Martial Law?*

*Declarat.* No Subject of this Kingdom ought to be Sentenced to Death, or Executed by Marshal Law in time of Peace; and if any Subject be so Sentenced, or Executed by Marshal Law in time of Peace, the Authors and Actors of any such Sentence or Execution, are punishable by the Law of the Land, for their so doing, as Doers of their own Wrong, and contrary to the said Law of the Land.

9. *Quest. Whether Voluntary Oaths taken freely before Arbitrators for Affirmance, or Disaffirmance of any thing, or for the true performance of any thing, be punishable in the Castle-Chamber, or any other Court; and why, and wherefore?*

*Declarat.* No Man ought to be punished in the Castle-Chamber, or any other Court, for taking a Voluntary Oath before Arbitrators, for affirmance or disaffirmance of any Thing, or the true Performance of any thing in Civil Causes, nor are the Arbitrators, before such Voluntary Oath shall be taken, Punishable.

10. *Quest. Why, and by what Law, or by what Rule of Policy is it, that none is admitted to Reducement of Fines and other Penalty, in the Castle-*



*Castle-Chamber, or Council Table, untill he confess the Offence for which he is Censured, when as Revera he might be innocent thereof, tho suborned Proofs, or Circumstance might induce a Censure?*

Novemb.

1641.

*Declarat.* By the Laws and Statutes of the Realm, no Man is bound, or ought to be compelled, to acknowledg the Offence laid to his Charge, or the justness of any Censure past against him, in the Castle-Chamber, or at the Council Table, nor ought to be detained in Prison, or abridged of his Liberty, or the Reducement of his Fine stayed or delayed, until he doth acknowledg such Offence, or the justness of such Censure. And it is further declared, That no such inforced or wrested Confession or Acknowledgment, can, or ought to debar or hinder any Subject from his Bill of Reversal, or Review of any Sentence or Decree, past or conceived against him in the Castle-Chamber, or in any other Court.

11. *Quest. Whether the Judges of the Kings-Bench, or any other Judges of Goal-Delivery, or of any other Court, and by what Law, do, or can deny the Copies of Indictments of Felony, or Treason, to the Parties accused, contrary to the Law?*

*Declarat.* The Judges of the Kings-Bench, or Justices of Goal-Delivery, or the Judges of any other Court, ought not to deny Copies of Indictments of Felony or Treason to the Parties indicted.

12. *Quest. What Power have the Barons of the Court of Exchequer, to raise the Respite of Homage arbitrarily to what Rate they please, to what Value they may raise it, by what Law they distinguish between the Respit of Homage upon the diversity of the true value of the Fees; when as Escuage is the same for great and small Fees, and are apportionable by Parliament?*

*Declarat.* The Barons of the Exchequer, ought to raise the Respite of Homage above the usual Rates, appearing, in, and by the Course and Precedents of the Court, continued until the year of our Lord God 1637, and the raising thereof since that time, was Arbitrary, and against the Law. And the Barons of the Exchequer, ought not to distinguish between the Respite of Homage upon any diversity of the true values of the Knight's Fees.

13. *Quest. Whether it be Censurable in the Subjects of this Kingdom to repair into England to appeal to his Majesty for Redress of Injuries, or for other Lawful Occasions? If so, for why, and in what Condition of Persons, and by what Law?*

*Declarat.* The Subjects of this Kingdom, may lawfully repair into England, to appeal to his Majesty, for Redress of Injuries, and for other their Lawful Occasions, and for their so doing, ought not to be punished, or questioned upon the Statute of 5 R. 2. nor by any other Law or Statute of Force in this Kingdom ( eminent Officers and Ministers of State, Commanders and Soldiers of his Majesties Army, the Judges and Ministers of his Majesties Courts of Justice, and of his Highness Revenue, and Customs, whose Attendance is necessarily requisite, by the Laws and Statutes of the Realm only excepted.)

14. *Quest. Whether Deans, or other Dignitaries of Cathedral Churches be properly, and de Mero jure Donative, by the King, and not Elective, or Collative? If so, Why, and by what Law? And whether the Confirmation of a Dean de Facto of the Bishops Grant be good, or valid in Law, and no? If not, by what Law?*

*Declarat.*



Novemb.

1641.

*Declarat.* Deanries, and other Ecclesiastical Dignities of this Realm, are not *de Mero Jure donative*, but some are *Donative*, and some *Elective*, and some are *Collative*, according to their respective Foundations, and the Confirmation of the Bishops Grant, by a Dean *de Facto*, having actually *stallum in Choro et vocem in Capitulo*, together with the Chapter is good in Law.

15. Quest. *Whether the issuing of Quo Warranto's out of the Kings-Bench, or Exchequer, against Boroughs, that antiently, and recently sent Burgeses to the Parliament, to shew Cause why they sent Burgeses to the Parliament, be Legal? If not, what punishment ought to be inflicted upon those that are or have been the Occasioners, Procurers, and Judges, of and in such Quo Warranto's?*

*Declarat.* The Issuing of *Quo Warranto's* out of the Court of Kings-Bench, Court of Exchequer, or any Court, against Boroughs, that anciently or recently sent Burgeses to the Parliament, to shew Cause, why they sent Burgeses to Parliament, and all the Proceedings thereupon, are *Coram non Judice* Illegal and void, and the Right of sending Burgeses to the Parliament is Questionable in Parliament only, and the Occasioners, Procurers, and Judges in such *Quo Warranto's* and Proceedings are Punishable, as in Parliament shall be thought consonant to Law and Justice.

16. Quest. *By what Law are Jurors, that give Verdict according to their Conscience, and are the sole Judges of the Fact, Censured in the Castle-Chamber, in great Fines, and sometimes Pillored, with loss of Ears, and bored through the Tongue, and marked sometimes in the Forehead, with an Hot Iron; and other like Infamous Punishment?*

*Declarat.* Jurors are the sole Judges of the Matter in Fact, and they ought not for giving their Verdict, to be bound over to the Court of Castle-Chamber, by the Judge or Judges, before whom, the Verdict was, or shall be given.

17. Quest. *By what Law are men Censurable in the Castle-Chamber, with the Mutilation of Members, or any other Brand of Infamy; and in what Cases, and what punishment in each Case there is due, without Respect to the Quality of the Person or Persons?*

*Declarat.* No Man ought to be Censured in the Castle-Chamber, in the Mutilation of Members, or any other Brand of Infamy otherwise, or in other Cases then is expressly Limited, by the Statutes of the Realm, in such Case provided.

18. Quest. *Whether in the Censure in the Castle-Chamber, Regard be to be had to the words of the Great Charter, (viz.) Salvo Contenemento? &c.*

*Declarat.* In the Censures in the Castle-Chamber, especial Regard ought to be had, to the Words of the Great Charter, viz. *Salvo Contenemento, &c.*

19. Quest. *Whether if one that steals a Sheep, or commits any other Felony, and after flyeth the Course of Justice, or lyeth in Woods or Mountains, upon his keeping be a Traytor? If not, whether a Proclamation can make him so?*

*Declarat.* A Felon, who Flies the Course of Justice, and lyeth in Woods, Mountains,



Mountains, or elsewhere, upon his keeping is no Traitor, and a Proclamation cannot make him a Traitor.

Novemb.  
1641.

20. Quest. *Whether the Testimony or Evidence of Rebels, Traytors, Protected Thieves, or other infamous Persons, be good Evidence in Law to be pressed upon the Tryals of Men for their Lives; or whether the Judge or Jurors ought to be Judge of the matter?*

*Declarat.* The Testimony of Convicted or Protected Rebels, Traitors, or Felons, is no sufficient Evidence in Law, upon the Tryal of any Person for his Life, and the Credit of the Testimony of Persons Accused or Impeached, and not convicted of Felony or Treason, ought to be left to the Jury, who are sole Judges of the Truth, and Validity of the said Testimony.

21. Quest. *By what Law are Fairs and Markets to be held in Capite, when no other express Tenure is mentioned in his Majesties Letters Patents, or Grants of the same Fairs and Markets, Altho the Rent or Tearly Sum be reserved thereout?*

*Declarat.* The King grants Lands to be held in Free, and common Socage, as of a Castle or Mannor, by Letters Patents under the Great Seal, and by the same Letters Patents, or by other Letters Patents, Grants a Fair, and Market, reserving a yearly Rent or Summ, without expressing any Tenure, as to the said Fair or Market, the said Fair or Market is not held by Knights Service in Capite, or otherwise in Capite.

I cannot omit one remarkable passage, which I find mentioned in Dr. Borlase's History, which seems plainly to evince that during this time, when they appeared so Zealous for the Redressing of Publick Grievances, and removing the obstructions of Justice, therein following the very same steps with the Faction of the Parliament of *England* and *Scotland*, they were at the same time plotting to shake off the Sovereignty of His Majesty by an open Rebellion, as the *Scots* had done in Effect, and the *English* Parliamentary Faction presently after did. Which may teach Posterity hereafter, to be very Cautious of such pretences and pretenders, who through the sides of the prime Ministers of State, endeavour to wound Majesty it self, and to cover the Designs of Teason and Rebellion with the Popular Cloak of Reformation, which were the very steps by which these Three rebellions, one upon the neck of another, advanced themselves within the compass of little less then three Years. The passage was this, *During the Summer Sessions which began the 11th of May, 1641. Some of the chief Conspirators, and among whom the Lord Macguire was one the most busie, pretending a suspicion, That some of the Servants of the late Earl of Strafford, to revenge his death (to which it seems by this, their own guilt acknowledged the Irish very instrumental) intended some mischief to the Parliament, moved the House, and accordingly had Orders, that the Lords Justices would let His Majesties Stores for Powder and Arms be searched, lest any should be placed near the Parliament Houses; which being granted, and a diligent search being made, but nothing found, yet were they not satisfied, but procured a new Order to the Lords Justices, to be admitted to see the Stores of Powder and Arms placed in other Rooms in, and about the Castle. To whom the Lord Justice Borlase answered, That those were the King's precious Jewels, and not to be shewed without especial Cause, but withal assuring them upon his Honor, that there was no Powder underneath*

Borlase's Hist.  
of Ireland,  
p. 12.



Novem.

1641.

underneath either of the Houses of Parliament : with which answer they were not more discontented, then his Lordship seemed surpris'd with this repeated Order, which rais'd such a sudden Emotion in his blood, that he could not but often after reflect upon the reiterated importunity of the enquiry, as aiming at something further then was at present discernable. Which plainly appears to be, to get a perfect knowledge both of the quantity of the martial Stores, and the certain place where they were deposited, that thereby their intended surprisal of them might be with more ease effected.

To Sum up what hath before been said concerning the beginning of this Execrable and Unparallel'd Rebellion, take the Words of an \* Excellent and Noble Author upon that Subject.

A M. S. S. in the custody of his Grace the Duke of Ormond, written by the Right Honourable the Earl of Clarindon.

“ **T**He *Irish* Nation, saith he, was possessed of the most blessed and happy Condition, before their own ( to say no worse ) unskillful Rage and Fury brought this War upon them ; and they have since had leisure enough thoroughly to consider and value the wonderful Plenty, Peace, and security which they enjoyed till the year 1641, when they wantonly and disdainfully flung those Blessings from them : They were arriv'd to a mighty increase of Traffick, Improvement of Land, Erection of Buildings, and whatever else might be profitable or pleasant to any People ; and these desirable Advantages and Ornaments the Policy and Industry of that Nation was utterly unacquainted with, till they were brought to them by the skill and labour of the *English*, planting and living Charitably, Friendly, and Hospitably among them ; Taxes and Tillages and other Contributions were things hardly known to them so much as by their Names : whatever their Lands, Labour or Industry produced was their own ; and they were not only free from the fear of having it taken from them by the King, upon any pretence whatsoever without their own consents, but also so secured against Thieves, and Robbers, by the Execution of good Laws, that Men might and did Travel over all Parts of the Kingdom, with considerable Sums of Money unguarded and unconcealed.

It were well if our *English* Non-conformists would look in this Glass, they would see their own portrait exactly, and may by timely consideration avoid the same destiny.

“ If this happy posture of Affairs, was undervalued, under the Notion of being but Temporal Blessings ; and the want of Freedom be alledged, as to the Exercise of the *Romish* Religion, to which that Nation was generally addicted, it cannot be denied, but that though by the Laws and Constitutions of that Kingdom, the Power and Authority of the Bishop of *Rome* is not in any degree allowed or submitted to by the Government ; yet, by connivance, the whole Catholique Body of that Nation, enjoyed an undisturbed Exercise of that Religion ; and even at *Dublin*, where the Seat of the King's chief Government was, such was the indulgence of Authority then towards them, that they went as uninterruptedly to their Devotions, as the Governor did to his ; Bishops, Priests, and all Degrees and Orders of the Secular and Regular Clergy, lived and exercised their Functions among them : And though there were some Laws against them still in force, which the Necessity and Wisdom of former Ages had caused to be Enacted to suppress those acts of Treason and Rebellion, which that People frequently fell into, and the Policy of the present Times kept unrepealed, to prevent the like Distempers and Designs, yet the Edge of those Laws was so totally rebated, by the Clemency and Compassion



Novem.  
1641.

“ sion of the King, that no Man could say he had suffered prejudice or disturbance in, or for his Religion : which is another kind of indulgence, then the Subjects professing a faith contrary to that which is Established by the Laws of the Land, can boast of in any other Kingdom in the World.

“ When in the Year 1640, they discerned some Distempers arising in England, upon the Scots Invasion, and perceived the Support and Countenance that People then found in both Houses of Parliament in England, they would likewise bear a part, and bring in their Contribution to the work in hand ; then they began to Transplant those dangerous humors of Jealousies and Discontents, which they found springing up Seditiously in the Parliament at Westminster, into Ireland ; and with the same Passion and Distemper, cherished them in the Parliament at Dublin : They fell to Accusing upon general and unreasonable Imputations, the principal Councillors and Ministers of State, who were intrusted by the Crown in that Kingdom, impeaching them of High Treason, and thereby according to the Rule unjustly then prescribed at Westminster, they removed those Persons from any Power in Publick Affairs there, whose wisdom might probably otherwise have prevented the mischiefs which have since ensued.

“ Then did they most weakly and childishly concur with the greatest Enemies their Nation or Religion had, in the Conspiracy against the life of the Earl of *Strafford* Lord Lieutenant of that Kingdom, by whose Wisdom, and most prudent Government that Nation had reaped great advantages, and was daily receiving greater, and sent a Committee from *Dublin* to *Westminster* to join in the Prosecution of him, and having in the end procured the miserable, and never enough lamented Ruin of that great Person, they powerfully opposed and hindred the conferring of that charge, upon any of those His Majesty had designed to undertake it, and at the last, by their repeated importunities, they got it devolved into such hands as were most unlike to grapple with the difficulties which they were sure to meet with ; and having thus to their uttermost power fomented the divisions in England, and discountenanced and weakened the Regal Power in Ireland, by raising the same Factions against it there, on the sudden upon the 23<sup>d</sup>. day of *October* 1641, without the least pretence of Quarrel, or Hostility, so much as apprehended by the Protestants, great multitudes of *Irish Roman* Catholicks in the Province of *Ulster*, and shortly after in other Provinces, and parts of the Kingdom Tumultuously assembled together, put themselves in Arms, seized upon the Forts, Castles, Towns and Houses belonging to the Protestants, which by their force they could possess themselves of, and with most Barbarous Circumstances of Cruelty, within the space of a few days, murdered an incredible number of Protestants, Men, Women and Children promiscuously, and without distinction of Age or Sex ; and of all those who were within the reach of their Power, they who escaped best were robbed of all that they had, to their very skins, and so turned naked to indure the sharpness of that Season, and by that means, and for want of Relief many thousands of them perished by hunger and cold ; the Design which was at the same time laid for the surprize of the Castle of *Dublin*, the Residence of the King's chief Governors, and His Majesties principal Magazine



Novemb.

I 6 4 I.

All the *Irish*  
not Guilty of  
the Rebellion.

The Rebels of  
*Ireland* coun-  
terfeit the  
King's Com-  
mission and  
Great Seal,  
prejudicial to  
the King, but  
Ruinous to  
them.

“ of Arms and Ammunition, wherewith it was then plentifully stored,  
“ being discovered by a person trusted, and thereby disappointed, that  
“ place was left singly to consult of the best means to oppose the Tor-  
“ rent, which was like to overwhelm the whole Kingdom, and for a  
“ Refuge to the poor Protestants, who from all parts of the Kingdom  
“ flocked thither, Despoiled, Robbed, and Stripped, with the sad Rela-  
“ tions of the most inhumane Cruelties, and Murthers exercised upon  
“ their Friends, Kindred and Neighbours which have been ever heard  
“ of amongst Christians.

“ It is not, *adds he*, the purpose of this Discourse to lay any impu-  
“ tations of this Rebellion and Savage Cruelty upon the whole *Irish* Na-  
“ tion, and all the Catholicks of that Kingdom, many Persons of Ho-  
“ nour, were never in the least degree tainted with that Contagion,  
“ but on the contrary have always given as signal Testimonies of their  
“ Affection and Duty to the King, and of their detestation of that Odi-  
“ ous and Bloody defection, as any of his Subjects of either of his other  
“ Kingdoms have done, whose memories must with equal justice and  
“ care be transmitted to Posterity, as pretious Examples of Honour and  
“ Integrity ; others there were who by the Passion and Rigour of those  
“ who were then in Authority, and had power enough to destroy whom  
“ they had inclination to suspect or accuse, were driven to put them-  
“ selves into the Protection of those, whose ways and courses, they to-  
“ tally disapproved and hated ; and many who were by mis-information  
“ and mis-belief ingaged in the carrying on, and, possibly, contriving  
“ the War and Insurrection, yet were mortally averse to those barba-  
“ rous actions of Blood, Rapine and Inhumanity, which dishonour even  
“ the most just and lawful War.

“ One Circumstance of unhappy and impious Policy must not be  
“ forgotten, by which the Bold Authors of that unnatural War, in the  
“ first entrance into it, promised to themselves notable advantages ;  
“ and which in truth, as most of the policies of that kind, brought un-  
“ speakable misery and devastation upon that Nation : for the better  
“ seducing the People, who, having lived so long in Peace and Ami-  
“ ty with the *English*, were not without some Reverence to that Go-  
“ vernment, and so could not in plain and direct terms be easily led  
“ into an avowed Rebellion against their King, they not only declared,  
“ and with great skill and industry published throughout the Kingdom,  
“ that they took Arms for the King, and the Defence of his Lawful  
“ Prerogative, against the Puritanical Parliament of *England*, which  
“ they said invaded it in many Parts, and that what they did was by  
“ His Majesties Approbation and Authority : And to gain Credit to  
“ that Fiction, they produced and shewed a Commission, to which  
“ they had fastened an impression of the Great Seal of *England*,  
“ which they had taken off from some Grant or Patent which had  
“ Regularly and Legally passed the Seal ; and so it was not difficult  
“ to perswade weak and unexperienced Persons to believe that it was  
“ a true Seal, and real Commission from the King : And by this  
“ Fatal Stratagem, they cast so Odious an Imputation upon the  
“ King, and upon those Persons, who were worthily nearest him in  
“ his Affection and Councils, that the Seditious Party in *England*, who  
“ were then contriving all the Mischief, they afterwards brought to  
“ pass, used all their Arts to propagate those horrible Calumnies, and to  
“ infuse into the Hearts of the People, an Irreverence and Jealousy of  
“ the



Novemb.  
1641.

“ the King, Queen, and those of nearest Trust to either of them ; so that  
 “ his Majesty was even compelled for his own Vindication, and lest  
 “ he might be thought too faint a Prosecutor of an Enemy, whose In-  
 “ surrection, it was said, he himself had fomented, to commit the whole  
 “ Management of that War, to the two Houses of Parliament, and they  
 “ having obtained this Power, Interessed and trusted such Members of  
 “ their own Body, with the Ordering and Directing of the same, as  
 “ were resolved with most Passion, Uncharitableness and Violence, to  
 “ Prosecute that whole Nation, and the Religion that was most general-  
 “ ly Exercised there ; and by this means all Persons, who were to con-  
 “ duct, both the Civil and Military Affairs in *Ireland*, were drawn to  
 “ a Dependence upon the Two Houses of Parliament at *Westminster* ; all  
 “ Officers and Commanders for that War, were Nominated and approv-  
 “ ed by them ; all Monies raised for that Service, was Issued and Dis-  
 “ posed only by their Orders: from whence it came to pass, that they  
 “ who craftily intended, to derive a Support and Countenance to them-  
 “ selves, by using the King's Name to Purposes which he abhorred, fool-  
 “ ishly thereby defrauded and deprived themselves of that Protection  
 “ and Mercy, which his Majesty might have vouchsafed to them for  
 “ their Reduction and Preservation: for from this time, when any thing  
 “ was proposed of Extravagancy, or overmuch Rigor, which the Pro-  
 “ posers said was necessary for the Carrying on of that War, or if the  
 “ King made any Scruple or Pause in giving his Consent to the same,  
 “ they straight declared, That they were obstructed in sending Relief to  
 “ the Poor Protestants in *Ireland*, and then they published some parti-  
 “ cular Relations of the lamentable and inhumane Massacre made there  
 “ by the *Irish*, which were confirmed by Multitudes of miserable un-  
 “ done People, who landed from thence, in the several Parts of *Eng-*  
 “ *land* ; who likewise reported the Rebels Discourse, of executing all  
 “ their Villainies by the King's Direction ; so that indeed, it was not in  
 “ his Power to deny any thing, which they thought fit to say, was ne-  
 “ cessary to the good Work in Hand : Thus he was compelled to put  
 “ all the Strong-Holds, Towns and Castles in the Province of *Ulster*,  
 “ into the Possession of the *Scots*, ( who were at that time, by the great-  
 “ est Managers, believed to be more worthy to be trusted then the  
 “ *English* ) with unusual Circumstances of Power, and even an inde-  
 “ pendency upon the Lord Licutenant of *Ireland* ; and when his Ma-  
 “ jesty did but desire them, to re-consider their own Proposition, and re-  
 “ flect how much it might Trench upon the *English* Interest, they fu-  
 “ riously Voted, That whosoever Advised his Majesty to that delay,  
 “ was an Enemy to the Kingdom, and a Promoter of the Rebellion in  
 “ *Ireland* : thus his Majesty was necessitated to Consent to that Bill, by  
 “ which so great a Latitude was given to the disposal of Lands, in the  
 “ several Provinces of that Kingdom, to those who adventured Mony  
 “ in the War, as that without the Interposition, Shelter and Mercy of  
 “ the Sovereign Power, almost that whole People, and their Fortunes  
 “ were given up to the Disposal of their most Cruel and Mortal En-  
 “ mies ; And lastly, by this groundless and accursed Calumny, thus rais-  
 “ ed upon the King, full Power was devolved into their Hands, who too  
 “ much imitated the Fury and Inhumanity of the *Irish*, in carrying  
 “ on the War, and proceeded with that Rigor and Cruelty in the shed-  
 “ ding of Blood, as was most detested by his Majesties Gracious and Mer-  
 “ ciful Disposition.



Novemb.

1641.

Tuesday,  
Novem. 2.Philips a Priest  
for insolent  
behavior and  
language sent  
to the Tower.

Thus far this Excellent Author, whose Words thô not Exactly accommodated to the Period of Time, I have thought fit to insert here, because they give the Reader a Landscape or short Map, of all the Tragical Actions, which filled the Scene of *Ireland* with Blood and Desolation, and will be of excellent Use, to the understanding of many future Passages in the Historical Account, both of that and our own Miserable and Bleeding Nation.

Having given this Account of the beginning of the horrid Rebellion in *Ireland*, the Reader must expect the continuation of it, to be interwoven with the other great Affairs, which were the misfortune of the present, and will be the Wonder of all succeeding Ages; Let us therefore return to take a view of the Parliamentary Affairs.

This Day *Robert Philips* a Priest, at the desire of the House of Commons, was brought to be sworn at the Bar, being to be examined by the Lords Committees, touching Matters concerning the State; and hearing the Oath repeated to him, desired the Directions of the House, how far it was required of him to answer, alledging that the Oath was too General, and thereby he might be forced to confess against himself; But the House resolved him this Doubt, that he was but to answer as a Witness, to reveal what he knew, touching some Intended Treason. Upon this he offered to take the Oath, but presently said, That he was not to be bound by the said Oath, because the Bible upon which he was sworn, was not a true Bible; which Words, he repeated a second time, and then took the Oath: Hereupon the Lords commanded him to withdraw, and the House taking this as an Affront and Scorn done to this House, and a great Scandal to our Religion, and considering that the Words, which he spake were Voluntary, upon no Occasion given him, the House resolved he should for this time be brought to the Bar as a Delinquent, to hear, what Answer he would make to his Charge; who being brought to the Bar, as a Delinquent upon his Knees, the Lord Keeper told him, That the House had a great Apprehension of the Affront shewed to this House of Peers, and of the great Scorn and Scandal shewed to our Religion, in saying the Bible which is allowed by the Law, is not a true Bible; upon this, he made a Profession, that he was a Catholick, and that all Catholicks held this Opinion, That our Bible, is not a true Bible; and if he should have taken an Oath, without this Declaration, he should have confirmed this to be a true Bible. This being such an insolent Carriage, in the Face of a Parliament, the said *Robert Philips* was commanded to withdraw, and the House taking it into serious Consideration, thought it fit, that he should have a Mark of the Displeasure of the House, for his Derogation of our Religion, and for the great Dishonor done to the Peers; Hereupon it was Ordered, *That the said Robert Philips be Committed to the Tower of London, there to remain until the Pleasure of this House be known.*

And because the aforesaid *Robert Philips*, is a Servant to the Queen, the House thought it fit, that she should be acquainted with the Reasons, why he was Committed; to this purpose, the Lord *Seymour* was appointed to attend her Majesty, his Lordship obeyed the command of the House herein, but desired to have what he should say from the House in Writing.

Ordered, *That the Lord Lieutenant of Ireland, take care that such Persons as are now in this Kingdom, and have Places of Trust and Command in Ireland*

L. Lieutenant  
of Ireland to  
send the Of-  
ficers to their  
Commands in  
Ireland.



Ireland, do speedily repair thither to their several Charges for the defence of that Kingdom.

A Select Committee of 26 Lords, and 52 Commoners was this day nominated by each House, to consider of the Affairs of Ireland, as also another Committee of 12 Lords, and 24 Commoners to go to the City, to borrow Fifty Thousand Pound for the Assistance of Ireland.

The Lord Chamberlain Reported the Marquis of Hertford's Answer concerning the Prince, and he returns this Answer, *That he is ready to perform the Order of both Houses, and he saies the Reason, why he waited not on the Prince at Oatlands, was, because there was no room for him to lye there.*

A Message was sent to the Commons by Sir Robert Rich and Sir Edward Leech, to desire a Conference concerning what had been done, about the Prince and the Queen; as also concerning some Course to be taken for the providing of a Guard, to attend the Two Houses of Parliament, which was accordingly had immediately in the Painted Chamber.

In the House of Commons, they fell this day upon the abuse of selling Protections, which was complained of by the Citizens, as a greater Grievance then all the Monopolies, and Mr. Reynolds reported the Case of Mr. Benson a Member of the Commons House, concerning several Protections granted by him to divers Men, that were not his Menial Servants.

(1) *That Mr. Benson, who serveth for the Town of Knaresborough in the County of York, hath granted several Protections to several Persons in London, Middlesex, Nottinghamshire, Dorsetshire, Kent, Essex and Surrey. All this did appear, by the Protections brought from the two Compters in London: he imployed Preston his Servant, and another, his Son in Law, and as they made the Contract, sometimes for 40 s. 30 s. 20 s. and sometimes for 17 s. so he granted the same accordingly, Preston being examined before the Committee, confessed his Master had granted twenty Protections, and that his Son in Law did write them, and usually had ten Shillings for the same.*

Next one Joseph Smith a Scrivener was Examined, who confessed, Preston in the beginning of the Parliament came to him, and desired him, to write some Blank Protections, and accordingly, he writ 8 or 9. that afterwards Preston came to him, and shewed him two Protections Signed with Mr. Benson's Hand, and that he knew it to be his Hand, and that he delivered those Protections to one Proctor and Hawkins, the one gave 16 s. the other 17 s. for them; afterwards Proctor made use of his Protection against his Landlord, who repaired to Mr. Benson, who said, *That as to himself it should be of no Force.* Afterwards Mr. Benson granted a Protection to one Sylvester, under his Hand and Seal, who gave 40 s. for it, and that Protection was produced at the Committee, and Sylvester examined there, and Confessed he paid 40 s. for it. There were produced Copies of divers other Protections, which were entred at the two Compters, that all People might take Notice thereof. Mr. Benson being desired by the Committee, to make Answer to those Matters, said he could not charge his Memory with the certain number, but confessed, he had granted many Protections, and that he conceived, it was his Priviledg, as a Member of the House of Commons, to do so.

Novem.

1641.

Select Committee to consider the Affairs of Ireland.

Marquis of Hertford's Answer concerning the Prince.

Conference for a Guard for the Parliament.

Mr. Reynolds Reports the Case of Mr. Benson about selling Protections.

Upon



Novemb.

1641.

Votes against  
Mr. Benson for  
selling Pro-  
tections.

Captain of  
Hurst Castle  
Summoned.

Resident of  
Florence com-  
plains of his  
House being  
broken, &c.

Interrogato-  
ries for the  
further Ex-  
amination of  
Connelly.

Upon the whole Matter, the Committee would deliver no Opinion, because it concerned a Member of the House, but commanded the Report to be made specially, and to leave him to the Judgment of the House. Whereupon it was

Resolved upon the Question,

*That Mr. Hugh Benson is unworthy and unfit, to be a Member of this House, and shall sit no longer as a Member of this House.*

Resolved, &c.

*That Mr. Hugh Benson shall be forthwith sent for as a Delinquent, by the Serjeant at Arms attending on this House.*

After which it was Ordered, *That the Lord Gorge, who is Governor of Hurst Castle, be forthwith Summoned to appear here, to give an Account, why he suffered that Castle to go to decay.*

A Complaint was exhibited by the Resident of Florence, against May and Newton, two Persons imployed to apprehend Priests, for violently, contrary to the Law of Nations, breaking open his Doors, and taking and committing his Domestick Servants to Prison. Whereupon it was Ordered, *That the said May and Newton, be Summoned to give an Account of that Action, and that the said Persons Imprisoned be set at Liberty, the Resident passing his Word for their forth-coming.*

Then certain Interrogatories to be administred to Owen O Connelly, were read as follows.

(1) *What ground had you to Suspect, that the Papists had any Design upon the State of Ireland?*

(2) *What have you heard any Priests, or others say concerning the promoting of the Romish Religion?*

(3) *What Discourse have you had with Hugh Ogh Mac-Mohan concerning any such Design in Ireland?*

(4) *Have you heard of any Design in England or Scotland of the like Nature, what is it you have heard? Declare your whole Knowledg.*

The Design of which Questions, as plainly appears by the very Words of them, were purposely, to draw out something from him, which might give color to the pretended Calumnies against the King or Queen, or both of them, as being some way, or other concerned in promoting Popery, and the Rebellion in Ireland, as they had upon all Occasions insinuated the King to have been privy and Consenting to the Design of bringing up the Army, and the Conspiracy in Scotland, pretended against Hamilton, Argyle and others. And indeed the Faction laid hold upon all Occasions, which were in the least capable of an Improvement to the Defamation of his Majesty, and to rob him of the Affections of his People, by whispering such Surmises, as might beget and confirm those useful Fears and Jealousies of Popery and Arbitrary Power, which were to be the Engines, by which their wicked and mischievous Designs were to be effected and accomplished.

The Report of  
the Confer-  
rence about  
the Prince and  
Queen.

After this Sir Thomas Widdrington Reports further of the Conference, concerning the Prince and Queen, *That the Earl of Holland said he had, according to the Commands of both Houses, waited upon her Majesty, and presented her with the Reasons of both Houses, why they desired that the Prince should reside at Richmond.*

(1) *Because*



(1.) Because that he lost much opportunity in improving himself in his Learning and Study by being at Oatlands.

(2.) Next, though the Parliament doth not think her Majesty would intimate any thing to him concerning her Religion, yet there were many about her which might prepare him with those impressions in his Religion which might sit upon him many Tears after.

(3.) That in this time so full of danger, (for we hear of new Treasons every day) that the Prince might be more Secure, and yet his Lordship said he acquainted the Queen, That it was not the Intentions of the Two Houses of Parliament, that the Prince should not at all wait upon her Majesty, but might come, when her Majesty was desirous to see him, but yet that his place of Residence might be at Richmond, for otherwise his Governor could not take that Charge over Him as was required by the Parliament, nor be answerable for such Servants as were about him. His Lordship was pleased further to say, That Her Majesty gave this Answer,

**T**hat She gave the Parliament Thanks for their Care of her Son; the Occasion wherefore Her Majesty sent for him, was to Celebrate the Birth-Day of one of his Sisters, but that the Prince should be presently sent back to Richmond; And Her Majesty said, She did make no doubt, but upon the King's Return, the Parliament will Express the like Care both of the Kings Honor and Safery.

Mr. Whitlock further Reported, That the Lord Chamberlain said at the Conference, That he had taken care for a Guard; That many of them complained of standing upon their Guard 24 Hours, without Relief, and some of the Captains neglect to come, and that therefore Order should be taken therein.

A Message was brought from the House of Commons by Arthur Goodwin Esquire, to let their Lordships know, That he was Commanded to give their Lordships Thanks from the House of Commons, for their Care and Honour of Religion in committing Robert Phillips the Priest unto the Tower, desiring that he may not be released from his Imprisonment, without they be made acquainted with it; and that their Lordships would give Directions that none may speak with him at the Tower, but in the presence of some of the Keepers. Whereupon the Lords made an Order accordingly.

The Lord Privy Seal Reported, That Yesterday the Committees of both Houses in the Name of the Parliament, went to the City to propound the Borrowing of 50000 l. for the Irish Affairs.

He said, They gave the City a full relation of the State and Condition of Ireland now is in, it being the Case of Religion; That they were much moved at the Relation; and the Committees then told the Three Wants which the Council of Ireland desires to be speedily furnished with, or else that Kingdom will be in danger to be lost, which are Men, Arms and Money. His Lordship said the Committee told them the Parliament required nothing of them, but the Loan of Money, which should be Secured to them by Act of Parliament with advantage to themselves with Interest. Upon this the Major and Aldermen with the Common Council presently retired to consult among themselves till it was very late, and so the Committees left them.

The next Morning the Recorder came to the Lords of the Council at Whitehall, and declared, That he had Command from the Major and Aldermen

Novem.

1641.

The Queens Answer.

Wednesday,  
Novemb. 3.  
A Message  
from the  
Commons  
about Phillips  
the Priest.

The Report  
about Borrow-  
ing 50000 l.  
of the City.



Novem.

1641.

dermen and Common Council of the City to inform their Lordships, first by way of Protestation, That so great Sums of Money were drawn from them lately, that they were hardly able to Supply this Occasion; Tet such is their Zeal to this Cause, that they will do their best Endeavours therein.

(2.) He delivered by way of Plea from the City, That Protections were so frequent, that unless the Parliament did take some Course therein, they shall not be able to do the Parliament that Service they desire in this kind, because it decays their Trading.

Mr. Recorder further declared, That the City had formerly lent 50000 l. upon the Request of the Great Council at York, which was due the 22<sup>d</sup>. of October last, which yet is not paid, nor any Security given; therefore they desired their Lordships to take the same into Consideration, for they relied more upon their Lordships Honor, than their Security.

He said, There was now such a slighting of the Government of the City, that there is an Equality between the Mayor and the Commons, the Power of the Mayor no more then that of the Commoners of the City; they desired but Countenance from their Lordships, and their Lordships shall have Service from them.

The Recorder delivered this as their Answer, That they had hearty and good Affection to the Cause, it being for Religion's sake, the saving the Lives and Estates of Protestants, the saving of a Kingdom, and preserving it to the dependency of this Crown, they would do their utmost Endeavours, but would not promise any thing before every man had consulted with himself what he was able to do, which they promised to do speedily, and he hoped to give a further account thereof this Night.

The Commons  
Report about  
the same.

Mr. Pierrepont also in the Commons House made the Report about the same Proposition, which because it varies from the other in some particulars, I will insert here as follows.

He said, That according to the Commands of the House, several of the Committee went to the Lord Major and Common Council, and delivered the Commands of this House, how well this House took the former Lending of Money; The Answer given us by Mr. Recorder was,

(1) That there were several Grievances they suffered under, as first, under the Protections which are granted, which did not only hinder their lending of Money, but did stop Trade. To that Sir Henry Vane did give them satisfaction, both of the Order lately made against Mr. Benson for granting of Protections, and that this House had committed to the Care of a Committee to draw a Bill to prevent the Inconveniences that happen thereby.

Next Mr. Recorder propounded, That 50000 l. heretofore lent to the Peerage of this Realm for the Publique Affairs, is not yet paid.

Next the Common Council did find themselves aggrieved by a disrespect shewn to the Lord Mayor, and the Magistrates of London, by divers people who refuse to give any Obedience to any Warrant to appear before the Lord Mayor, declaring they would not come; and particularly in the Case of providing of Money; and for their Loans of Money, they will take into consideration, and give an Answer this Day, but the Security for the same is Expected to be by Act of Parliament.

The Commons then entred upon the consideration of the Irish affairs; and several Votes were passed in order to the Relief of that Kingdom, which were presented to the Lords for their Concurrence; and which,

to



to avoid unnecessary repetitions; the Reader will find when they come before the Lords.

An Information was brought to the House by one *Richard Burch* a Warder, That there was great resort to *Father Phillips* in the Tower; Whereupon it was Ordered, *That Sir Gilbert Gerrard, Sir John Franklyn, Sir Thomas Barrington, and Mr. Laurence Whittacre, do forthwith repair to the Tower to Examine all such Strangers as they shall find there; of their Dwelling, and Business there, and to tender them the Oaths of Allegiance and Supremacy, and the Warders are hereby required to suffer none to come out of the Tower, till these Gentlemen are come forth again.*

Mr. Maynard Reported the Case of *Gatton* in *Surrey*.

Mr. Owfield, his Election to serve for that Place is settled; the difference resteth between Mr. Sandys and Mr. Sanders, who are returned by two Indentures: Mr. Sanders hath for him 14 Voices; Mr. Sandys hath 8 Voices: but of the 14 Voices for Mr. Sanders, 8 of them are dwellers out of the Town, and one of them a Minister; yet all of them have Freehold in the Town; and of Mr. Sandys 8 Voices, one of them was a Recusant Convict; another, the Clerk of the Parish, who receiveth Tearly Wages from the Parish; and then if these two should be declared to have no Voices, their Voices are Equal; so the Question in Debate was, Whether the Election belonged to the Burgesses by Common Right; or that the Freeholders dwelling out of the Town who had Freeholds in the Town, ought to have Voices by virtue of a Particular Prescription?

The Committee were of Opinion, That there was a Prescription in this Case, which was good against a Common Right.

It appears by a Record 33 H. 8. that a Return was made by one Inhabitant; And 10 E. 6. & 6 E. 6. Returns made by the Inhabitants and Burgesses.

But 18 Jac. a President was shewn on the behalf of the Freeholders.

And for the Parson of the Parish, Whether he shall have a Voice that cannot Sit here if he were chosen; and next, whether by Law a Recusant Convict ought to have a Voice; and thirdly, to receive the Judgment of the House, whether one that receives Alms of the Parish shall have a Voice; and then whether the Clark of the Parish who receives 50 s. per annum of the Parish, is one that lives of the Alms of the Parish. These were doubts offered to the Committee in the debate of this Election.

Upon the matter it was Resolved, &c. That there is no sufficient proof of a Prescription against the Common Right within the Burrough of *Gatton* in Com. *Surrey*.

Resolved, &c. That the Parish Clark of the Burrough of *Gatton* does not appear upon the Evidence given to this House, to be an Alms-man.

Resolved, &c. That Mr. Sanders Election for the Burrough of *Gatton* is not good.

Resolved, &c. That Mr. Sandys Election for the Burrough of *Gatton* is good.

Resolved, &c. That Mr. Sandys is well Elected, and ought to Sit as a Member of this House, upon the Election for the Burrough of *Gatton*.

The Lord Keeper signified this Day, That he had received a Letter from Mr. Secretary Vane, dated the 28th of October last from Holy-Rood House, touching the Intelligence which his Majesty had received in Scotland, concerning the Rebellion in Ireland; which is by his Majesties

Novemb.

1641.

An Information against *Phillips* the Priest in the Tower.

Case of *Gatton* in *Surrey* upon Election of Members.

Thursday,  
Novem. 4.



Novemb.

1641.

The King In-  
formed in  
Scotland of the  
Irish Rebellion,  
recommends  
it to the Care  
of the Parlia-  
ment.

Marquess of  
Winton has  
leave to sell  
his Arms.

Bishop of Lin-  
coln Reports  
the Votes  
about the Irish  
Affairs.

Command to be communicated to both Houses of Parliament here, to whom he hath recommended the Care of those Affairs, and Expects their Advice what Course is fittest to be taken for the reducing of that Kingdom. Likewise his Lordship said he had received Copies of other Letters which were sent to his Majesty out of the North Parts of Ireland, desiring his Majesty to send them speedy Supplies for the Saving of that Kingdom. All which were referred to the Committee for Irish Affairs.

*It was Ordered, That the Lord Marquess of Winchester shall have liberty by vertue of this Order, to sell off his Arms to such Tradesmen as will buy the same.*

*The Lord Bishop of Lincoln gave this House an Account, what the Committees for Irish Affairs had considered of, and presented some Votes and Orders of the House of Commons, in which they desire their Lordships to joyn with them, which were read as follows.*

*Resolved upon the Question,*

*That the House of Commons holds it fit, That 20000 l. shall be forthwith supplied for the present Occasions of Ireland, out of the Moneys that are now in ready Cash, or shall first come in.*

*Resolved, &c.*

*That a convenient number of Ships shall be provided for the Guarding of the Sea-Coasts of Ireland.*

*Resolved, &c.*

*That the House of Commons holds it fit, that Six Thousand Foot, and Two Thousand Horse shall be raised with all convenient speed, for the present Expedition into Ireland.*

*Resolved, &c.*

*That such Officers shall be forthwith sent over into Ireland for the Commanding of Men there, as shall be thought fit by the Lord Lieutenant of Ireland, with the approbation of both Houses of Parliament.*

*Resolved, &c.*

*That a Magazine of Victuals shall be forthwith provided at West-Chester to be sent over to Dublin, as the Occasion of that Kingdom shall require.*

*Resolved, &c.*

*That the Magazin of Arms, Ammunition and Powder at Carlisle shall be forthwith sent over to Knockfergus in Ireland.*

*Resolved, &c.*

*That in Bristol and West-Chester, and one other Port in Cumberland, Magazines of Arms, Ammunition, Powder and Victuals shall be provided to be Transported into the next convenient Ports of Ireland, as the Occasions of that Kingdom shall require.*

*Resolved, &c.*

*That all Arms, Ammunition and Powder in the Magazine at Hull, (Except such a proportion of Powder, Bullet and Match as shall be thought fit for Supply of the Northern Counties as Occasion shall require) be Transported to the Tower of London.*

*Resolved, &c.*

*That a convenient Number of Engineers and Gunners shall be sent into Ireland.*

*Resolved,*



Resolved, &c.

That a Post shall be set up between Beaumarish and Holy-head.

Resolved, &c.

That it be referred to the Kings Council to consider of some fit way, and to present it to the Houses, for a Publication to be made of Rewards to be given to such as shall do Service in this Expedition into Ireland, and for a Pardon of such of the Rebels in Ireland as shall come in by a time limited, and of a Sum of Money to be appointed for a Reward to such as shall bring in the Heads of such principal Rebels as shall be nominated.

Resolved, &c.

That Letters shall be forthwith sent to the Justices in Ireland, to acquaint them how sensible this House is of the Affairs in Ireland, and what Care they have taken for the Occasion of Ireland.

Resolved, &c.

That the House of Commons holds it fit that a Drum shall be forthwith beaten for the calling in of Volunteers for this Service for Ireland.

Ordered, That Directions be given for the Drawing a Bill for the Pressing of Men for this particular Service for Ireland, and Mr. Serjeant Wild is desired to prepare a Bill for that purpose.

Ordered, That the 11000 l. in ready Cash in the Chamber of London, shall be forthwith paid over to the Lord Lieutenant of Ireland for the present Occasions of that Kingdom, and that the Commissioners and Treasurers appointed in the Act, grant forth their Warrants and Orders accordingly.

Ordered, That the Officers and Customs of the several Ports of this Kingdom towards Ireland, do make diligent Search in all Trunks and other Carriages that come to be Transported from England to Ireland, that belong to any Papist or suspected person, and particularly that those Trunks sent by Exeter, shall be stayed and searched.

Ordered, That the Committee for Irish Affairs of the House of Commons, shall propound to the Committee of Lords to prepare Heads to be considered of, how, and in what manner this Kingdom shall make use of the Friendship and Assistance of Scotland in this business of Ireland.

After this the Lord Bishop of Lincoln acquainted the House with a draught of a Declaration, to be sent into Ireland to the Lords Justices, with a Letter from the Speakers of both Houses of Parliament, which was read in hæc verba.

## The Declaration.

**T**He Lords and Commons in this present Parliament being advertized of the dangerous Conspiracy and Rebellion in Ireland, by the treacherous and wicked Instigation of Romish Priests and Jesuits, for the bloody Massacre and Destruction of all the Protestants living there, and other his Majesties Loyal Subjects of English Blood, though of the Romish Religion, being antient Inhabitants within several Counties and Parts of that Realm, who have alwayes in former Rebellions given Testimony of their Fidelity to this Crown; and for the utter depriving of his Royal Majesty and the Crown of England from the Government of that Kingdom, (under pretence of setting up the Popish Religion, have thereupon taken

The Declaration of the English Parliament about the Irish Rebellion.



Novemb.

1641.

into their Serious Consideration, how these Mischievous Attempts might be most Speedily and Effectually prevented, wherein the Honour, Safety and Interest of this Kingdom are most nearly and fully concerned; Wherefore, they do hereby Declare, That they do intend to serve his Majesty with their Lives and Fortunes for the Suppressing of this Wicked Rebellion in such a way, as shall be thought most Effectual by the Wisdom and Authority of Parliament. And thereupon have ordered and provided for a present Supply of Moneys, and raising the number of 6000 Foot and 2000 Horse, to be sent from England, being the full proportion desired by the Lords Justices and his Majesties Council Resident in that Kingdom, with a Resolution to add such farther Succours as the Necessity of those Affairs shall require; They have also resolved of providing Arms and Munition, not only for those Men, but likewise for his Majesties Faithful Subjects in that Kingdom, with Stores of Victuals and other Necessaries, as there shall be occasion; and that these Provisions may more conveniently be Transported thither, they have appointed Three several Ports of this Kingdom, that is to say, Bristol, West-Chester, and one other in Cumberland, where the Magazines, and Store-Houses shall be kept for the Supply of the several Parts of Ireland: They have likewise Resolved to be humble Mediators to his Majesty, for the Encouragement of those English or Irish, who shall upon their own Charges raise any number of Horse or Foot, for his Service against the Rebels, that they shall be honourably rewarded with Lands of Inheritance in Ireland according to their Merits; and for the inducing the Rebels to repent of their wicked Attempts, they do hereby commend it to the Lord Lieutenant of Ireland, or in his absence to the Lord Deputy or Lords Justices there, according to the Power of the Commission granted them in that behalf, to bestow his Majesties Gracious Pardon, to all such as within a Convenient time to be declared by the Lord Lieutenant, Lord Deputy, or Lords Justices and Council of that Kingdom, shall return to their due Obedience, the greatest part whereof they conceive have been seduced upon false Grounds, by cunning and subtile Practices, of some of the most malignant Rebels, Enemies to this State, and to the Reformed Religion, and likewise to bestow such Rewards as shall be thought fit and published by the Lord Lieutenant, Lord Deputy, or Lords Justices and Council, upon all those who shall arrest the persons, or bring in the Heads of such Traytors as shall be personally named in any Proclamation published by the State there; And they do hereby Exhort and Require all his Majesties loving Subjects, both in this and that Kingdom, to remember their Duty and Conscience to God and his Religion, and the great and Eminent Danger which will involve this whole Kingdom in General, and themselves in Particular, if this abominable Treason be not timely suppressed; and therefore with all Readiness, Bounty and Chearfulness, to confer their Assistance in their Persons or Estates, to this so important and necessary a Service, for the Common Good of all.

The Letter to be sent along with this Declaration, was in these words:

The Letter from the Speakers of both Houses, to the Lords Justices of Ireland.

**M**I Lords Justices, and the rest of his Majesties Council of his Majesties Kingdom of Ireland, I have received a Command from the Lords House in this present Parliament, to send unto you this inclosed Declaration of the Lords and Commons in Parliament, for the better Encouragement of his Majesties Faithful Subjects, to unite and imploy themselves



*selves in opposing and suppressing the Rebels of this and that Kingdom, the publishing whereof I am to commend to your Care and Wisdom, and rest, &c.*

Novemb.  
1641.

The Resolutions being again read over, the House consented to them, and ordered the Lord Keeper to take Care to see them sent to Ireland; as also to send Copies of them to his Majesty, that he may see the Care of his Parliament in his absence, concerning the Affairs of Ireland.

The Lord Admiral was also Ordered to give Command for the stopping of the Posts towards Ireland, upon such as are now going from Flanders into the Kingdom of Ireland.

Order to stop the Posts towards Ireland.

It was also Ordered, That the Lord Chamberlain of his Majesties Household, Captain General of the South Parts of this Kingdom, during his Majesties being out of this Kingdom, shall give Order, to the Lord Mayor of the City of London, to safe guard the said City as there shall be Cause, against all Tumults and Disorders that shall happen in or about the said City and the Liberties of the same, upon any occasion whatsoever.

Order to take Care to guard the City against Tumults.

In the Commons House it was upon the Question Resolved, That the Conference with the Lords shall be renewed, concerning the securing of the Persons of Papists.

It was also Ordered, That a Warrant be drawn to pass both Houses, to the Master of the Ordnance for the delivery of the Arms and Powder, and Ammunition at Carlisle, to the Lord Lieutenant of Ireland, or such as he shall appoint.

This day the Lord Keeper signified to the House of Lords, That he had received a Letter from the Lord Howard at Edinburgh, dated the 30th of October, 1641, which was commanded to be read, the Effect whereof was,

Friday,  
Novemb. 5.

**T**hat meeting with the Instructions of the Parliament beyond Anwick in his return to London, his Lordship and Mr. Fiennes returned back again to Edinburgh to present them to his Majesty, which having done, his Majesty told them, That for the Business of Barwick, he hoped by this time the Parliament had received Satisfaction.

Concerning the Rebellion in Ireland, his Majesty upon the first Notice thereof, moved the Parliament of Scotland to take this business into Consideration, which accordingly they did, and appointed a Committee for this very purpose, which made Report, whereof a Copy is Enclosed, together with a Ratification thereof in Parliament, wherein they have testified their Affection and respect to this Kingdom.

*The Report of the Committee in the Parliament of Scotland,  
Rege præsentè, 28 Octobris, 1641.*

**H**IS Majesty produced a Letter written to him by the Lord Viscount Chichester, anent some Commotions in Ireland, which was publickly read in Audience of the Kings Majesty and Parliament; And his Majesty desired that some may be appointed to think upon the Business, so far as may concern his Majesty and the Kingdom. And the Estates nominated the Lord Chancellor, Lord General, Lord Lothian, Lord Amond, the Lardis of Wedderburn, Kinhault, and Murthill, the Commissioners of Edinburgh, Glascow and Aire, to think upon some Course necessary to be done

The Resolutions of Scottish Parliament concerning the Irish Rebellion.



Novemb.

1641.

done anent the said Letters, and what is incumbent to be done by this Kingdom thereupon, and Report again to the Parliament. To meet in the General his House this Afternoon at two Hours.

28 Octobris, 1641.

This Day in the Afternoon, the Committee above nominated, appointed for taking into Consideration, the Report of the Commotions in Ireland, being met in the Lord Generals House, and having read the Letter, directed to the King's Majesty, from the Lord Chichester, Dated at Belfast the 24th of October 1641, hath Considered, That his Majesty, out of His Wisdom, and Royal Care, of the Peace of His Kingdoms, hath already acquainted the Parliament of England, with the Intelligence from Ireland, and has sent to Ireland, to know the certainty of the Commotions, and of the Affairs of that Combination, which till it be perfectly known, there can be no particular Course taken for Suppressing thereof, and the Kingdom of Ireland, being dependant upon the Crown and Kingdom of England, the English may conceive Jealousies, and mistake our Forwardness, when they shall hear of our Preparations, without thair Knowledg in this, whairin they are first and more properly concerned. And if the Insurrections, be of that Importaince, as the British within Ireland, are not Powerful enough to Suppress it, without Assistance of greater Forces \* nor thair Allies, and that his Majesty, and Parliament of England, shall think our Aid necessary to joyn with thaim, We conceive, That the Assistance, which we can contribute may be in readiness, as soon as England, and if after Resolution taken by his Majesty, with Advice of both Parliaments, it shall be found necessary, that we give our present Assistance, we shall go about it, with that speed, which may Witnefs our dutiful Respects to his Majesties Service, and our Affections to our Brethren, his Majesties Loyal Subjects of England and Ireland.

\* Scottish for  
shan.

29 Die Octob. 1641.

Read in Audience of his Majesty, and Estates of Parliament, ad futuram rei memoriam, as ane Testimony of their Affections to his Majesties Service, and the Good of the Neighbor Kingdoms, and appoints thrie of the Baronis, and thrie Borrowis, to meet the Erle of Eglingtonne, at thrie Howris afternoon, to take to thair Consideration, be way of Estimation or Conjecture, the Nombre of Bottis, or Lime Faddis, which in the Partis of this Kingdom, lying opposite to Ireland, may be had in readiness, and what Nombre of Men may be Transported thairin, and to report again to the Parliament.

Vera Copia.

GIBSON.

An Informati-  
on from Chester  
against two  
Irish Men.

After which was read, a Packet of Letters directed to the Lords in Parliament, sent from the Maior of Chester, wherein was an Information upon Oath, taken by the Maior and Aldermen, of one Thomas Cremer of Graies-Inn Gent. Dated the 30th of October last, That he meeting with a Gentleman, that calleth himself by the Name of Magenes, Brother to the Lord Magenes, at the House of Widdow Belson in Weston, upon some Conference betwixt them, the said Magenes, told the said Cremer, that he was to go for Ireland, being lately come from Spain, to see my Lord Mac-guire, and that he was sent for thither, and further said, That



*That he hoped ere long, that the Irish would drive out the Scots out of Ireland, and that there is a Business, that you would not think of. And said to the said Cremer, that he had returned 8 or 900 l. out of London into Ireland, to raise Forces for the King of Spain. And also saith, that there was one other in Company, of the said Magenes, which called himself by the Name of Readmond Testernight, in the Company of the said Cremer, who drunk a health to the Confusion of the Protestants in Ireland, and that the aforesaid Magenes further said, That since the Business was discovered, he would go to London, along with the said Cremer, if he would lend him some Mouny. And further Cremer saith, that the said Magenes, hearing of the Rebellion in Ireland, said, That he was very glad and joyful of the News, and that he liked very well of it, and that he would give any thing to be in Ireland, and did shew himself to be very angry, with the Master of the Ship, in which he intended to go for Ireland, for neglecting the Wind; saying, he might meet with him in Ireland, where a Man might be revenged on such Fellows: but afterwards, the said Magenes, hearing that my Lord Macguire was taken, seemed to be very sorrowful, and said to the said Cremer, That since it is discovered, he would go to London along with him, if he would lend him some Money.*

Novem.  
1641.

Tho. Cowper, Major.  
Will. Gamull,  
Nich. Ivie, &c.

Tho. Cremer.

*Whereupon it was Ordered, That the said Arthur Magenes, and Readmond Comyn, being now under restraint in the City of Chester, shall be forthwith brought in safe Custody, by the Sheriffs of the said City, and appear before the Lords in Parliament, to answer the aforesaid Information, and then this House will give such further Order and Directions therein, as shall be agreeable to Justice.*

*The Lord Seymour Reported to the House, That he had according to their Lordships Command, presented the Message from this House, to the Queen, concerning Robert Phillips, and Her Majesty returned this answer, viz.*

My Lords,

**T***He Message I received from you, by my Lord Seymour, I have taken into serious Consideration, and do not a little wonder, that Father Phillips should so much forget himself, as I find he hath done, by the Message sent unto me, which I am so far from approving, as I cannot, but be sorry, he hath done it: I must acknowledg your Respects unto me, in giving Me Satisfaction of your Proceedings therein; if I did not believe, what is done by him, is out of Simplicity, I should not speak for him. You all know how near he is unto me, by that place which he holds, and if it shall appear unto you, that he hath not maliciously done any thing against the State, if for my Sake, you shall pass by his present Offence, I shall take it as a further Testimony of your farther Respects unto me, which I shall be ready to acknowledg upon all Occasions, that shall be offered.*

The Queens  
Answer concerning  
Father Phillips.

*Whereupon it was Ordered to have a Conference, with the House of Commons, to acquaint them with this Answer of the Queens.*

This



Novemb.

1641.

Saturday,  
Novemb. 6.An Ordinance  
of Lords and  
Commons to  
enable the E.  
of Leicester to  
raise men for  
Ireland.

This day an Ordinance of Parliament to give Power to the L. Lieutenant of Ireland to give Commissions, and to raise Men for Ireland, having been read yesterday, and passed in the Commons House, was also read and passed by the Lords as followeth, viz.

**T**He Lords and Commons in Parliament, being very sensible of the great Danger and Combustion in Ireland, by reason of the multitude of Rebels now in Arms for the destruction of His Majesties Loyal Subjects there, and the withdrawing that Kingdom from the Allegiance of His Majesty, and the Crown of England; and forasmuch as in this time of His Majesties absence, his Royal Commission cannot be so soon obtained, as the necessity of that Kingdom doth require; and for more speedy opposing the wicked and Trayterous attempts of the Rebels there, and for that His Majesty hath especially recommended the care of the preservation of that Kingdom unto both the Houses of Parliament; do hereby Ordain and Authorize Robert Earl of Leicester, Lord Lieutenant of Ireland, by Warrant under his Hand and Seal, to give one or more Commissions, to such Captains, Commanders, and other Officers, as to his Lordship shall seem Expedient, for the Levying of 3500 Foot, and 600 Horse, by the beating of Drum, of such Persons as shall voluntarily undertake the same Service by accepting of Prest-mony; which persons are to be raised in such several Parts of the Kingdom, as shall be most convenient for their passage into the Parts of Ireland, which his Lordship shall think most necessary to be forthwith supplied; and for the furnishing of the same Men, as also of other of his Majesties Subjects in that Kingdom, we have Ordained that the Earl of Newport, Master of His Majesties Ordnance, shall deliver a number of Arms, Munition and Powder answerable, unto the said Lord Lieutenant of Ireland, to be disposed of as he shall think fit, for the best defence of that Kingdom; and for the Levying of the said number of Men this Ordinance of Parliament shall be his sufficient Warrant.

The Ordinance to enable the Lord Newport, to deliver the Arms and Ammunition was also read and passed as the other, in these Words.

The Ordinance  
of the Lords  
and Commons  
to enable the  
Master of the  
Ordnance to  
deliver Arms,  
&c. to the  
Lieutenant of  
Ireland.

**F**Orasmuch as it is held most expedient and necessary for the safety of His Majesties Kingdom of Ireland, and his Loyal Subjects there, that such numbers of Soldiers both Horse and Foot as are forthwith to be raised for the defence of that Kingdom should be supplied with Arms and other Munition, which by reason of his Majesties absence out of the Kingdom cannot be done by His Majesties immediate Warrant, so speedily as the imminent danger and necessity of that Kingdom doth require, and for that His Majesty hath especially recommended the Care of the Preservation of that Kingdom unto both the Houses of Parliament: It is Ordained by the Lords and Commons in Parliament, That Mountjoy Earl of Newport, Master of His Majesties Ordnance, shall deliver to the Earl of Leicester, Lord Lieutenant of Ireland, or to such other person or persons as he shall appoint to receive the same, the full number of 1000 Arms for Horse-men, and 8000 Arms for Foot, and the quantity of 10 Last of Powder, and such other Munition, Tents and Provisions of all sorts as shall be needful for this Service, according to a List to be agreed upon and allowed by the said Lords and Commons hereunto annexed, out of His Majesties Stores and Magazines in the Tower of London, the City of Carlisle, the Town of Hull, or elsewhere, and for so doing this shall be a sufficient



sufficient Warrant, as well for his Lordship, as for any of his Deputies or Under-Officers in that behalf.

Novem.  
1641.

An Ordinance also for providing Shipping for Transportation of Men and Munition was read and passed *in hæc verba*.

**W**Hereas by Order of Parliament, Men, Arms, Munition and other Provisions are suddenly to be transported from several Ports in this Realm, viz. Bristol, Chester, and others, for which Service it will be requisite that Ships be provided with all expedition; It is this day Ordered by the Lords and Commons in Parliament, that the Lord High Admiral of England be desired to take care, that Ships be accordingly provided in the several Ports, respectively within this Kingdom, from whence the aforesaid Men, Arms, Ammunition and other Provisions are Ordered to be Transported into Ireland, which is to be done with all expedition, the Parliament having resolved to see Moneys supplied for the performance of this Service.

The Ordinance of the Lords and Commons to impower the L. High Admiral to provide Shipping, &c.

After this the Lord Keeper reported the Conference with the House of Commons to this effect.

That the House of Commons have presented to their Lordships some Propositions which have been Voted in their House, and desires their Lordships to take them into Consideration, and join with them therein.

The Report of the Conference about Capuchins, &c.

(1.) Concerning the Dissolving the House of the Capuchins, and the Speedy sending them away, according the former desires of their House.

(2.) That the Ambassadors may be sent to from both Houses to deliver up such Priests of the King's Subjects as are in their Houses.

(3.) That a List may be brought in of the Queens Priests, and other her Servants, and that a List may be likewise brought in of the Prince's, and other of the King's Childrens Servants.

(4.) That a Proclamation may issue for the Commanding that all Strangers, that are not of the Protestant Religion (except such as are Men of Rank and Quality, and live here in such a publick way, whereby notice is taken of them, and of the Cause of their abroad in this Kingdom, do deliver in Tickets of their Names, and an account of their stay here, within two days after the issuing forth of the Proclamation, or else depart the Kingdom forthwith: And likewise requiring that all Inn-keepers, or others, that entertain Lodgers to give Tickets of the Names of such as lodge in their Houses within two days likewise after the issuing forth of the said Proclamation; and that these Tickets be given by those in the City of London to the Lord Mayor and Aldermen of the Wards respectively where they reside, and by those of Middlesex and Surrey, and other Places within 10 Miles of London, to the Justices of the Peace next adjoining to the place of their Residence; and this Order to extend to the City of London, and Ten Miles about.

(5.) That the House of Commons had presented their Lordships with some Scottish Papers, being Examinations concerning the late Design against the Lord Marquess Hamilton, Earl of Arguile, and the Earl of Lannerick. Likewise, they produced written from their Committees at Edinburgh, Letters dated the 27th of October, with an enclosed Paper containing as follows, viz.



Novemb.

1641.

Some Transactions between the English Committee at Edinburgh and the Scottish Parliament.

The Paper of the 5th of October, Exhibited by the English Committee October the 7th, 1641.

**T**HE Committees of the Parliament of England have now sent down sufficient Moneys for the Total Disbanding of the Garrisons of Barwick and Carlisle, and have Ordered, That it shall be Effected by the 10th of this present Month; And have likewise taken a Course for removing the Ammunition and Ordnance, and for slighting of the Works according to the Treaty. We desire therefore, That, that part of the Army which is yet on foot, may be forthwith Disbanded, and that what new Fortifications have been made in Scotland by occasion of the late Troubles, may be presently demolished according to the same Treaty.

The Answer to the Paper delivered in, by the English Committees, to the Committee of the Army Exhibited 7. Octobris, 1641.

**T**hat the Regiments which are yet on foot may be speedily Disbanded, they are drawn (according to the Order already given) near towards Edinburgh, to the Effect they may with greater Conveniency be Mustered, and thereafter money may be given for their Pay, and forthwith disbanded. And any new Fortifications which have been made in Scotland by Occasion of the late Troubles, shall presently be demolished, that every Condition on our part may to your full Satisfaction be performed according to the Treaty: And we do no wise doubt to find mutual performances, and that the Garrisons at Barwick and Carlisle, according to the Orders of the Parliament, be totally Disbanded; which being shewn to the Parliament of England, we hope will give them Satisfaction.

22 October, 1641.

Produced by the Lord Chancellor and read in Audience of his Majesty and the Parliament, who nominates the Lord Burgley in place of the Earl of Argyle, to be upon the Committee for providing Money to pay the Regiments; And also Ordains, An Order to be given to the Lord General for causing the demolishing the Fortifications at Mordington, which was accordingly done.

Alex. Gibsone.

(6.) Concerning the putting the Custody of the Isle of Wight into another hand, as formerly was desired.

(7.) Concerning the securing of the persons of Papists upon the former Propositions.

(8.) That the Earl of Essex may have Power from both Houses to Command the Trained Bands on this side Trent, upon all Occasions for the Defence of the Kingdom, and that this power may continue until the Parliament shall take further Order.

This Report being Ended, the House caused those particulars to be distinctly read again, and gave these Resolutions upon them:

Resolved upon the Question *Nemine Contradicente*,

That



*That the House or Covent of Capuchins here in England shall be dissolved.*

*Concerning the sending of the Capuchins out of the Kingdom, this House will suspend giving any Resolution therein, until a List of the Queens Priests and Servants is brought in.*

Resolved upon the Question,

*That the Ambassadors be desired from the Parliament, to dismiss out of their Houses, such Priests as are the Kings Native born Subjects; and in case they shall hereafter be found abroad, they shall not have any protection, but be proceeded in, according to the Laws of this Kingdom.*

Resolved, &c.

*That the Lord Chamberlain of the Queen shall bring in a List of the Queens Priests and Servants, and the Lord Chamberlain of his Majesties Household shall bring in a List of the Names of the Servants belonging to the King, Prince, and the rest of the King's Children.*

(4.) *To the Fourth, It is Ordered, That this House agrees to this Resolution, but do refer the manner of issuing out the Proclamation until the Commission given to the Lords of the Council for issuing out Proclamations be perused.*

(6.) *Concerning the sequestering of the Isle of Wight into another Hand, this House thought fit to return this Answer to the House of Commons, That in regard they have offered no Reasons for the same, their Lordships know not how to give an Answer; But when they shall shew their Lordships Reasons for so doing, they will take the business into Consideration.*

(7.) *Concerning the securing the persons of Recusants, It is Ordered, To be debated on Monday Morning next.*

(8.) *Concerning the Earl of Essex's having Power over the Trained Bands, this House defers their Resolutions concerning it, until the Commission of the Earl of Essex for Captain General of the South be brought into this House and perused, which is to be done on Munday next.*

In the Commons House, It was Ordered, *That whereas Owen O Connelly who discovered the Treason in Ireland had 500 l. appointed him in part of Recompence, that Sir Robert Pye and Mr. Wheeler the Treasurers for the Poll-money of Westminster, do forthwith pay unto the said Connelly the said 500 l.*

The greatest part of the Morning was spent in preparing the Heads for the fore-mentioned Conference with the Lords.

But among all these great Affairs, which were before them, the Faction in the House was still at Leisure, to fall upon the Loyal and Orthodox Clergy, against whom they had a most irreconcilable Animosity.

For upon a Complaint and Information given in to the House by some of the Zealots without Doors, who made it a great part of their Religion, to Inform and Article against the Loyal and Orthodox Clergy, It was this day Ordered, *That Dr. Fuller, Dean of Ely shall be sent for as a Delinquent, for divers dangerous, and scandalous matters delivered by him in several Sermons:* Thus did these persons who would not permit the Clergy to intermeddle in Secular Affairs, boldly thrust their Sickle into the harvest of Spiritual Matters, though by the Confession of One of their own Members, in a Speech he saith he intended to have spoken

Novemb.

1641.

The Votes of the Lords upon these Eight Propositions.

Connelly Ordered to have 500 l. paid presently.

Dr. Fuller Dean of Ely, sent for as a Delinquent for his Sermons.



Novemb.

1641.

as this day, to arraign the Order of the 8th of September, they were not *Idonei & Competentes Judices*.

This day it seems was fixed for the Debating the Validity of that Order; but by the intervening of other business, it was put off, and so lay *sine die*: however I think it is not fit to let the Speech sleep so too, which, it may be, was the best that Unfortunate Gentleman ever made, or intended to speak in that place, where swimming down the rapid Torrent of General Accusations, of Fears and Jealousies, he so far lost himself, that when he would have done something to the stopping the Breaches in the Banks of the Government, which he had helped to cut, he found it, as many others did, out of his power to Effect, and was himself in danger of being presently drowned in the Deluge, which he had helped to raise with the Wind of Popular breath. The Speech as I find it in his own Collections, pag. 37. was in these Words:

*Master Speaker,*

A Speech of  
Sir Edward  
Deering's  
about the Or-  
der of the  
Commons, of  
Sept. 8. 1641.

**M**E thinks, I am now going, to Walk upon the Ridge of a House, a dangerous Præcipice on either Hand. On the one side, I must take heed, that I speak neither more nor less, than the inward Dictate of my own Conscience: on the other Hand, I shall be afraid to presume above your better Judgments. My Path is narrow: I must look to my Footing: *Dixi custodiam vias meas, &c.* I said I will look to my Ways, that I Offend not in my Tongue. Thus I preface, because I foreknow, that I shall speak to the dislike of some Worthy Members of this Honorable House.

Sir, Two Questions are before us: First in General, how far an Order of this House, is binding *de foris*; not upon our own Members here, but upon the People, the King's Subjects abroad. Secondly, the Validity, and Invalidity of your particular Order, of the Eighth, and Declaration of the ninth of September last.

For the First, I am clear in this Opinion, That we may enforce any thing, that is undoubtedly grounded upon the Law of the Land: Shew me that Foundation, and I will concur with you, in any Resolution. We may also declare against any Thing, that is introduced contrary to our Laws. Farther than this, I know no Way, unless it be by Bill: and then I know no Limitation, no Bound. Thus in brief for the General, I come now to your particular Order.

Master Speaker, I shall be afraid to arraign your Orders: I have already been Controlled, (not for doing so, but as if I had done so) yet (Sir) I have often heard it in this House, that *We are Masters of our own Orders*: and then (I think) we may in this Place arraign them, that is, Question them, Try them, Approve, Alter, Reject or Condemn them. Was not our Protestation more sacred than an Order? yet that was revised, and (to stop some Objections) new Senced by us. And I take it lawful in this Place, to arraign (if that be the Word) even an Act of Parliament, and then (*a fortiori*) an Order of this House.

Surely (Sir) I shall speak reverently of all your Orders, when I am abroad I have done so of this. I am resolved, that my Obedience, shall therein be found good, although my particular Reason, be rebellant to your Conclusions. This is my Duty abroad: but here in this House, within these Walls, freedom is my Inheritance, and give me lieve (I pray) at this time, to use a part of my Birth-right.

The Seasonableness, and the Equity of your Order, both are controverted. You all know, that this is a dangerous time to make any determinations in Matter of Religion: whether it be in the Doctrinal, or in the Practical Part of God's Worship. Men are (now adays) many of them more Wise, and some of them more Will-full, than in former Times. The use and caution is this: Let us take care, that what we do, we do with due and full Authority;



I would have nothing new ( in this kind ) but by Authority of the three Estates: and even then, Let us be wary that we Suit the Times with Applications proper and seasonable.

Hear me with Patience, and refute me with Reason. Your Command is, That all Corporal Bowing at the Name Jesus --- be henceforth forborn.

I have often wished, That we might decline these Dogmatical Resolutions in Divinity: I say it again and again, That we are not *Idonei & competentes iudices* in doctrinal Determinations: The Theam we are now upon, is a sad Point, I pray consider severely on it.

You know there is <sup>a</sup> no other Name under Heaven given among Men, whereby we must be saved. You know that this is <sup>b</sup> a Name above every Name, <sup>c</sup> *Oleum effusum Nomen ejus*, it is the Carrol of his own Spouse. This Name is by a Father stiled *Mel in ore, melos in aure, jubilum in Corde*. This, it is the sweetest and the fullest of Comfort of all the Names and Attributes of God, *God my Savior*. If Christ were not our Jesus, Heaven were then our Envy, which is now our blessed Hope.

And must I, Sir, hereafter do no exterior Reverence; none at all, to God my Savior, at the mention of his saving Name *Jesus*? why Sir, not to do it, to omit it, and to leave it undone, it is questionable; it is controvertible: it is at least, a Moot Point in Divinity. But to deny it, to forbid it to be done: take heed Sir, God will never own you, if you forbid his Honor. Truly Sir, it horrors me to think of this.

For my Part, I do humbly ask Pardon of this House, and thereupon I take Leave and Liberty, to give you my resolute Resolution. I may, I must, I will do bodily Reverence unto my Savior, and that upon Occasion, taken at the mention of his saving Name *Jesus*. And if I should do it also, as oft as the Name of *God*, or *Jehovah*, or *Christ* is named in our solemn Devotions, I do not know any Argument in Divinity to Control me.

Mr. Speaker, I shall never be frightened from this, with that fond, shallow Argument: Oh you make an *Idol of a Name*. I beseech you Sir, paint me a Voice, make a sound Visible if you can: when you have taught mine Ears to see, and mine Eyes to hear, I may then perhaps, understand this Subtile Argument. In the mean time, reduce this dainty Species of new *Idolatry*, under its proper Head, ( the second Commandment ) if you can. And if I find it there, I will fly from it *ultra Sauramatas*, any whither with you.

The Words are these, *Thou shalt not make to thy Self any graven Image, or any likeness of any thing ( ullius rei ) that is in Heaven--or in Earth--* Can you here find, the Name of God in this Description of *Idolizing*? Surely Sir, my Savior is neither *γλυπτὸν* nor *ὀψιωμα* of any thing there forbidden, nor *ἄσολον*, neither *Sculptile*, nor *Simulachrum*, nor *Idolum*. All these are here, and none but these, and every of these doth signifie *Spectrum aliquod*, some visible Object. And must do so, for to speak properly, an *Idol* invisible, is but imaginary *Non-Sence*. When you can bring the Object of one Sence, to fall under the Notion and Distinguishment of another Sence; so that the Eye, may as well see a Name or Sound, as the Ear can hear it: then a Name, may be the Object of *Idolatry*: till then, this Argument will be too Sublime for my Understanding.

God was neither in the strong and mighty Wind, nor in the Earthquake, yet these hardly ( if possibly ) can be figured, but a still small Voice, this certainly is beyond the curious Art of Man to express, and consequently free from all possible Peril of *Idolatry*. And therefore thus in *Deut.* God doth Character himself. *Ye heard the Voice of the Words, but saw no Similitude, only ye heard a Voice.* As if he should say, I know you prone unto *Idolatry*: but now commit *Idolatry* to a Voice, to a Sound, to a Name if you can.

I am grieved to see that Wretched, Unlearned and Ungodly Pamphlet, ascribed to Mr. Burton, with that daring Impious Title *Jesu-Worship*, confuted: where by way of a scornful Sarcasme, he is not afraid ( as with a Nick-Name ) to call Christians *Jesu-Worshippers*.

I return, Mr. Speaker, this ( as I said ) is a sad Point in Divinity, to forbid exterior Worship unto God. Was it ever heard before, that any Men of any Religion, in any Age, did ever cut short, and abridge any Worship, upon any Occasion

Novemb.

1641.

<sup>b</sup> Phil. 2. 9.

<sup>c</sup> Cantic. 1. 3.

*Deut.* 4. 12.



Novem.

1641.

Occasion to their God? Take heed Sir, and let us all take heed whither we are going. If Christ be *Jesus*, if *Jesus* be God, all Reverence ( *exterior as well as interior* ) is too little for him. I hope we are not going up the back-Stairs to *Socinianism*.

In a Word, Sir, I shall never Obey your Order, so long as I have a Hand to lift up to Heaven, so long as I have an Eye to lift up to Heaven. For these are Corporal Bowings, and my Saviour shall have them, at his Name *Jesus*.

Yet, Sir, before I end, give me lieve ( I beseech you ) to take off that, which by mistake, may else stick still upon me. I never liked the Bishoply Injunctions, in the late Novel Practices, nor the severe Inquisition, upon the bare Omission of this Posture. The Bishops did rigorously exact it: upon their own Heads, the Crime of that Enforcement lies. But ( *I beseech you* ) let not us be guilty in the other extream. Truly to my Sence it will favor less of Piety, and more of Tyranny.

In the last Place, consider ( I pray ) that it is a Point Dogmatical, not yet fully resolved by Divines; Let us then be wary in it. And let this (with many other Points) be referred to a *National Synod*. For one we must have, or else we shall break our Religion into a thousand Pieces.

For this present, my Motion is ( as formerly ) that this Order be superseded, by declaring to the Commons ( as your Words in the Order are ) that they do *quietly attend the Reformation intended*, and that in the mean time they do ( as they ought ) obey the Laws that are.

Monday,  
Novemb. 8.  
Letter from  
the L. Howard,  
shewing the  
King's Dili-  
gence to Sup-  
press the Irish  
Rebellion.

A Letter was this Day read from the Lord Howard at Edinburgh, dated Novemb. 2<sup>d</sup>. 1641. directed to the Lord Keeper, declaring, *That the King had again moved the Parliament of Scotland, to take the Business of Ireland into further Consideration, and though they will not do any thing in it, till they hear from the Parliament of England, Yet they have taken a Survey of what Shipping and Boats they have to Transport Men in, and what Number of Men they are able to send over if need be; and they find, that they are able to Land a considerable number of Men in the North of Ireland, and that with more speed and less charge, then it can be done from any other part of the Kings Dominions, and their Highlanders are conceived proper to fight with the Irish in their own Kind and Country amongst Hills and Boggs.*

An Information was given in by one Col. Hunkes, That two disbanded Troopers; Moor, and Mac-Miller, had listed about 40 Men, who were lodged near the Iron Gate of the Tower, in St. Katharines, and that one Bourk an Irish-man of Lincolns-Inn paid them 14 d. per diem; that according to the Order of the House he had taken care to disarm them. Whereupon Bourk being sent for and Examined, confessed that he was an Irish-man and a Roman Catholique; *That he did this to advance his Fortunes, being to Command them in the Service of the King of Spain against Portugal; That he received Money from the Spanish Ambassador to pay them, and that he did it upon the Order of the House of Commons dated the 26th of October last, which gave Licence to Transport the disbanded Soldiers.*

It appearing to the Lords, that the Order did Expressly prohibit the Transporting of any of the Kings Subjects Natives of England or Ireland, Bourk was committed to the Custody of the Gentleman Usher during the Pleasure of the House; Moor and Mac-Miller, were for a former misdemeanor in abusing the Lord General, Sir John Conyers, and assaulting and sending a Challenge to one Captain Trist, committed before to Newgate.

Here-



Hereupon Order was sent to the Constable of the Tower, to keep diligent Watch for the Safeguard of it. The Justices of the Peace for *Middlesex*, and the City of *Westminster* were also Ordered, to make speedy and diligent search in and about the Suburbs of *London* and *Westminster*, What Irish are residing in their several Jurisdictions, and to cause their Names to be taken, and return them into this House, and to cause strong and good Guards to be set upon such as they find to be dangerous and suspected Persons, untill the pleasure of this House be further known.

Directed,

To William Roberts, John Hooker, and Thomas Shepherd,  
Justices of the Peace for *Middlesex*.

Upon the reading the Petition of the Bishops that are Impeached, shewing, That the Council that was assigned them by this House refuse to be of Council for them, because they being Commoners are involved in all the Acts and Votes of the House of Commons, Hereupon it was Ordered, That Serjeant Jermin, Mr. Hern, Mr. Chute, and Mr. Hales, be sent for to give their Answers herein.

It was also this day Ordered by the Lords in Parliament, That the Treasurers, Recorders, Readers, and Benchers of the Societies of the four Inns of Court, shall make or cause to be made diligent Search and Examination, whether there be any Recusants of any Nation whatsoever, admitted into their several Houses, or into the Inns of Chancery belonging thereunto, or live within the same Houses: And if upon search any shall be found, that they be forthwith dismissed, and expelled out of the said Houses. And it is further Ordered, That no Romish Recusant shall hereafter be admitted into any the said Inns of Court, or Inns of Chancery, upon any pretences whatsoever.

Directed,

To the Treasurers, Readers,  
and Benchers of the So-  
ciety of the Inner-Temple.

To the Treasurers, &c. of the  
Middle Temple.

To the Treasurers, &c. of  
Graves-Inn.

To the Treasurers, &c. of  
Lincolns-Inn.

In the Commons House it was likewise Ordered, That the Oaths of Allegiance and Supremacy shall be tendered to the Irish Gentlemen, and such others as are suspected for Recusants, as are within the Inns of Court, that are Students there, and that the Lord Keeper shall be desired to award a Commission to that purpose, to the Benchers of the several Inns of Court respectively.

It was also Ordered, That all suspected Persons, Irish and others, that do endeavour to pass over into Ireland, shall be Examined by the Mayor, or other Officers of the several Ports, where they endeavour to take Shipping, upon such Instructions as they shall receive from this House, and that the said Officers do tender unto all such persons the Oaths of Allegiance and Supremacy, and to Convict such according to Law.

November,  
1641.

Council assign-  
ed to the Im-  
peached Bi-  
shops.

Order of the  
Lords to ex-  
pel all Romish  
Recusants out  
of the Inns of  
Court and  
Chancery.

Order of the  
Commons to  
tender the  
Oaths of Alle-  
giance and  
Supremacy to  
Irish Recu-  
sants and o-  
thers in the  
Inns of Court.  
Order of the  
Commons to  
Examine all  
Irish endea-  
vouring to  
pass over into  
Ireland.

An



Novemb.

1641.

Chamberlain  
an Informer.

An Information was this day given in to the Commons against one Mr. Carter, a School-Master at *High-gate*, for words spoken by him, *Viz.* That Mr. Carter said, *That they were mad that would read the Order of the House of Commons of the 8th of September, concerning Innovations: And for the Protestation, there were none but fools had taken it.* Whereupon Mr. Green, who was also present, said he had taken it; Carter replied, *It was for want of information, and he would maintain, that it was against Reason, Justice and Law; and whereas, said he, it is to maintain the Priviledge of Parliament, no Justice of Peace, nor Constable, but had as much priviledge as they had: And said further, That it was against the King and State: I answered him, Are you wiser than two Kingdoms, for the Scots have taken it likewise? What do you talk,* said he, *of a Company of Rebels and Rascals? the Parliament hath dishonoured the King and Kingdom, by making a Peace with them.* Upon which complaint it was Ordered, *That Carter should immediately be taken into Custody by the Sergeant at Arms.*

By which passage the Reader may plainly see the Genius of those times, and of those Men, who verified the saying of the Poet, *Nec Hospes ab Hospite tutus.* No person could in common discourse have the freedom of conversation, but was in danger of these Zealous Informers, who made it their business, to run with informations to the House of Commons, against such as durst oppose their Votes, and Arbitrary Orders.

Tuesday,  
Novemb. 9.The Bishops  
to answer  
their Im-  
peachment  
upon Friday,  
November 12.

Serjeant *Fermin*, Mr. *Chute*, and Mr. *Hales* appeared this day before the Lords, and declared themselves willing to be of Council with the Lords the Bishops in the Impeachment brought up from the House of Commons, as they were formerly assigned by the House; Whereupon it was Ordered, *That the Bishops that are impeached, shall put in their Answers to the said Impeachment, on Friday Morning next, and that the Bill concerning the Bishops Votes shall be deferred until then.*

Earl of *Lei-*  
*cester* scruples  
raising men  
without the  
Kings Com-  
mission.

Upon report of the Lords Committees for the *Irish* Affairs, that the Earl of *Leicester* Lord Lieutenant of *Ireland*, making some scruple of raising Men to be employed in the business of *Ireland* without the King's Commission, and his Lordship desiring to have the Authority of the Parliament for the same in the mean time: It is thought fit, and so Ordered by the Lords in Parliament, according to the Power given unto them by His Majesty, mentioned in an Order dated the sixth of November, 1641. *That the said Lord Lieutenant shall have full power by virtue of this Order to Levy Men according to the Order given him from the Parliament, in the interim, until His Majesty shall grant him a Commission under the Great Seal of England for his Warrant for so doing.*

The House of Commons did also take notice of the Doubt of the Earl, but notwithstanding did resolve and think fit that he should proceed to raise men for the Service by Virtue of the Ordinance of Parliament.

A Council of  
War for the  
Affairs of  
*Ireland.*

It was also Ordered by the Lords and Commons, *That the Lord Viscount Wilmot, Sir John Conyers, Sir Jacob Ashly, Sir Simon Harcourt, Sir John Heyden, Sir Foulk Hunks, Sir Thomas Glemham, Sir Robert King, Colonel Culpeper, Colonel Vavasor, Lieutenant Colonel Ballard, and Captain Skippon shall be Assistants, as a Council of War, to the Committees of both Houses of Parliament, appointed for the Affairs of Ireland; and*



and have full Power, by virtue of this Order, to meet and consider of the present state and condition of the said Kingdom, and also of an Establishment for the Army.

The Lords then entred upon the Consideration of the Proposition sent from the Commons, concerning securing the Persons of Popish Recusants; and after a long Debate, the Result was this, *That whereas the House of Commons desired, that the persons of the Romish Recusants, for the safety of the Kingdom might be secured, this House doth consent with them therein, and Orders, That the Laws of this Kingdom shall be put into Execution against them presently.*

Upon the desire of the Commons by Mr. Pym, it was Ordered by the Lords, *That the Foreign Letters from France and Antwerp be stopped, and perused by the Lords Committees for opening Letters; there being, as Mr. Pym said, ground and intelligence, that those Letters will discover some Root of the Rebellion in Ireland.*

The Declaration of the State of the Kingdom was also this day read, and it was moved that a Consideration of these particulars might be added, and which is very uncommon, I find in the Margin of the Journal the Names of the Persons which made the several Motions, which in regard it is to be supposed they did it *in futuram rei Memoriam*, that Posterity might not hereafter be to seek for their Names, I will take care to transmit them down to future Ages; but whether they will have Statues Erected for the Achievement I cannot promise, unless it be of Infamy.

Moved, *That the last Expedition into Germany.*

*The Loans upon Privy Seals.*

*The Commission of Excise might be added.*

*The Additional Explanation to the Petition of Right.*

*The Declaration set forth upon the Breach of both Parliaments.*

*The Proclamation set forth, forbidding People so much as to talk of a Parliament.*

*Gun-Powder Monopoly, as it was a Project for the disarming of the Kingdom.*

*The destruction of Timber, especially in the Forrest of Dean by Recusants.*

*The Entituling the King to the Lands between High-Water, and Low-Water mark.*

*The abuses of Purveyors and Salt-Petre men.*

*The Commission of Sewers to be further Explained.*

*The Court of Wards.*

*The Jurisdiction of the Council of the Marches.*

*The Council Table, as they take Cognizance of Me & Te.*

*The Buying and Selling of Honours and Dignities.*

*The further Debate ordered to be resumed to Morrow.*

Novemb.

1641.

Lords agree with the Commons, to put the Laws against the Papists in Execution speedily.

Letters from France and Antwerp stopped.

J. C. but whether Corbet or Clotworthy, I cannot tell.

Palmer I suppose.

Strode.

Wingate.

J. c.

Wildr.

J. c.

Whitlock.

Crommel.

Smyth.



Novem.

1641.

Wednesday,  
Novem. 10.

The Lord Keeper Reported the Conference with the Commons Yesterday, That Mr. Pym delivered by Command divers Heads agreed upon by the Commons, which are Instructions to be sent to the Commissioners of both Houses now attending his Majesty in Scotland, which they desire their Lordships to joyn with them in.

The Instructions were read *in hæc verba* :

Instructions to  
the Commis-  
sioners in Scot-  
land, Nov. 10th,  
1641.

(1.) **Y**ou shall humbly inform his Majesty, That the Propositions made to the Parliament of Scotland, concerning their Assistance, for suppressing the Rebellion in Ireland, hath been fully considered and debated by both Houses of Parliament here; and their Wise and Brotherly Expressions and Proceedings are apprehended and Entertained here by us, not only with Approbation but with Thankfulness; Wherefore we desire that his Majesty will be pleased, That You in the Name of the Lords and Commons of England, give publick Thanks to the States of the Parliament of Scotland for their Care and Readiness to imploy the Forces of that Kingdom for the reducing the Rebellious Subjects of Ireland to their due Obedience to his Majesty and the Crown of England.

(2.) You shall further make known to his Majesty, That in the great and almost Universal Revolt of the Natives of Ireland, cherished and fomented, (as we have Cause to doubt) by the Secret Practices and Encouragements of some Forreign States, ill-affected to the Crown, and that the Northern Parts of that Kingdom may with much more Ease and Speed be supplied from Scotland, than from England, We humbly desire and beseech his Majesty to make Use of the Assistance of his Parliament, and Subjects of Scotland, for the present Relief of those Parts of Ireland, which lie nearest to them, according to the Treaty agreed upon, and confirmed in both Parliaments; and this Affectionate und Friendly Disposition now lately Expresed, as is more particularly specified in the 5th Article.

(3.) You shall present to His Majesty, the Copy Enclosed of the Declaration which We have sent into Ireland, for the Encouragement of his good Subjects there, and for the more speedy and Effectual opposing of the Rebels; and in Execution and performance of our Expressions therein made of Zeal and Faithfulness to his Majesties Service, We have already taken Care for 50000 l. to be presently Borrowed and Secured by Parliament; We have likewise resolved, to hasten the Earl of Leicester, Lord Lieutenant of Ireland, very speedily to repair thither, and forthwith to raise a Convenient number of Horse and Foot, for securing Dublin, and the English Pale, with such other Parts as remain in his Majesties subjection, intending to second them with a far greater Supply.

(4.) We have further Ordered and Directed, That his Majesties Arms and Munition lying in the City of Carlisle, shall be Transported into the North Parts of Ireland, for the supply of Carrick-fergus, and other his Majesties Forts and Garrisons there; and that a convenient Number of Men, shall be sent from the North Parts of England, for the better Guard and Defence of those Forts and Countries adjoyning, and that a large proportion of Arms and other Munition shall be speedily conveyed out of his Majesties Stores to West-Chester, to be disposed of according to the Direction



rection of the Lord Lieutenant of Ireland, for arming the Men to be sent from England, and such other of his Majesties Loyal Subjects as may be raised in Ireland.

Novem.

1641.

(5.) And because we understand, That the Rebels are like with great strength to attempt the ruin and destruction of the Brittish Plantation in Ulster, we humbly Advise his Majesty, by the Council and Authority of his Parliament in Scotland, to provide, that one Regiment consisting of 1000 men, furnish'd and accomplish'd with all necessary Arms and Munition as shall seem best to their Great Wisedoms and Experience, may with all possible speed be Transported into Ireland, under the Command of some Worthy Person, well affected to the Reformed Religion, and the Peace of both Kingdoms, and well Enabled with Skill, Judgment and Reputation for such an Employment; which Forces we desire may be Quartered in those Northern Parts for the Opposing the Rebels, and Comfort and Assistance of his Majesties good Subjects there, with Instructions from his Majesty and the Parliament of Scotland, that they shall upon all Occasions, pursue and observe the Directions of the Lord Lieutenant, his Lieutenant General, or the Governor of Ireland, according to their Authority derived from his Majesty and the Crown of England.

(6.) And as touching the Wages and other Charges needful, which this Assistance will require, We would have You in our Name, to beseech His Majesty to commend it to our Brethren the Estates of the Parliament of Scotland, to take it into their Care, on the behalf of His Majesty and this Kingdom, to make such agreements, with all the Commanders and Soldiers to be imployed, as they would do in the like Case for themselves, and to let them know, For Our parts We do wholly rely upon their Honorable and Friendly dealing with us, and will take Care that Satisfaction be made accordingly.

(7.) You shall represent to his most Excellent Majesty this our Humble and Faithful Declaration, that we cannot without much grief remember the great Miseries, Burthens and Distempers, which have for divers Tears afflicted all his Kingdoms and Dominions, and brought them to the last point of Ruine and Destruction; all which have issued from the Cunning, False and Malicious Practices, of some of those who have been admitted into very near Places of Council and Authority about him; who have been Favourers of Popery, Superstition and Innovation, Subverters of Religion, Honor and Justice, Factors for promoting the Designs of Forreign Princes, and States; to the great and apparent danger of His Royal Person, Crown and Dignity, and of all his People; Authors of False Scandals and Jealousies betwixt his Majesty and his Loyal Subjects, Enemies to the Peace, Union, and Confidence betwixt Him and his Parliament, which is the surest Foundation of Prosperity and Greatness, to his Majesty, and of Comfort and Hope to them; That by their Councils and Endeavours, those great Sums which have been lately drawn from the People, have been either consumed unprofitably, or in the maintenance of such Designs, as have been Mischievous and Destructive to the State; and whilst we have been labouring to Support his Majesty, to purge out the Corruptions, and restore the Decays both of Church and State, others of their Faction and Party, have been contriving by Violence and Force to suppress the Liberty of Parliament, and indanger the Safety of those who have opposed such wicked and pernicious Courses.



Novem.

1641.

(8.) *That we have just Cause to believe, That those Conspiracies and Commotions in Ireland, are but the Effects of the same Councils; and if persons of such Aims and Conditions shall still continue in Credit, Authority and Imployment, the great Aids which we shall be inforced to draw from his People for subduing the Rebellion in Ireland, will be applied to the Fomenting and Cherishing of it there, and Encouraging some such like attempt by the Papists and ill-affected Subjects in England, and in the End, to the Subversion of Religion, and destruction of his Loyal Subjects in both Kingdoms; And do therefore most humbly beseech his Majesty, to change those Councils, from which such ill Courses have proceeded, and which have Caused so many Miseries and Dangers, to himself and all his Dominions, and that he will be graciously pleased to imploy such Councils and Ministers, as shall be approved of by his Parliament who are his greatest, and most Faithful Council, that so his People may with Courage and Confidence undergo the Charge and Hazard of this War, and by their Bounty and Faithful Endeavours, with Gods Blessing restore to his Majesty and this Kingdom, that Honor, Peace, Safety and Prosperity, which they have Enjoyed in former times.*

*And if herein his Majesty shall not vouchsafe to condescend to our humble Supplication, although we shall always continue with Reverence and Faithfulness to his Person, and to his Crown, to perform those Duties of Service and Obedience, to which by the Laws of God and this Kingdom, we are Obligated, Yet we shall be forced in discharge of the Trust which we ow to the State, and to those whom we represent, to Resolve upon some such way of defending Ireland from the Rebels, as may concur to the Securing our selves from such Mischievous Councils and Designs, as have lately been, and still are in practice, and agitation against us, as we have just cause to believe, and to commend those Aids and Contributions which this great Necessity shall require, to the Custody and Disposing of such Persons of Honor and Fidelity as we have Cause to confide in.*

The Faction, as the Reader may before have observed, had upon all Occasions, indeavoured to lay hold upon the Sovereign Power of the Sword, and indeed, nothing less could Protect them from their own Fears of a future Reckoning, which they were affraid they must make, if ever the King's Affairs came into a prosperous Condition, and settled Posture. But certainly, next to the Execrable Rebellion in Ireland, it was one of the most barbarous Outrages, to a most Excellent Prince, whose Indulgence was his greatest Crime, not only to charge him with the Fomenting, and in a manner, Contriving this most wicked Rebellion, as is evident, by these Venemous Reflections they intended to do; but to take this advantage of the Misfortune of his Affairs, to wrest from him, that little remainder of Power, and Regal Authority, which he had not hitherto divested himself of. But this was the Resolution, of these Ingrateful and Ungenerous Subjects, whose unbounded Ambition, all the Streams of Royal Bounty, were not able to satisfy, so long as the King was the Fountain of them; and they were determined, to make use of his Majesties extreme Necessity, as they had ever hitherto done, to advance their own wicked Intendments, and rather then fail of them, to raise a more desperate Rebellion in England, instead of applying themselves vigorously, as they were in Duty, Honor and Conscience bound, to assist his Majesty to suppress the o-

ther



ther in *Ireland*: and let their Pretences be never so glorious, for the Preservation of the Reformed Religion and Interest, yet it is evident, that even from the very first Eruption of this Rebellion, they had a Design, to make their own Terms with the King, and to oblige him, under the Pretence of abandoning Evil Counsellors, to devolve the intire Trust of the whole Nation, and consequently his Crown and Dignity into their Hands, and to leave him only the vain shadow of Sovereignty and Majesty, and unless he would Consent to this, they must, as they say, be obliged to take other Measures, for the securing themselves from such mischievous Councils and Designs, as have lately been in Practice and Agitation against them; and a little time discovered what ways those were, for in Reality, this was no new Design, the crucifying Remonstrance of the State of the Kingdom, had been long hewing, and these were but some Chips of that Block, only they were wanting a fit Occasion, and this offering it self, they were resolved to lay fast hold upon it. But in regard, though they had sorely shaken and disabled the third Estate of the Lords Spiritual in Parliament, by the repeated Batteries of Impeachments, and Bills to take away their Voices, yet there was a great Number of the Lords Temporal, whose unstained Loyalty and Fidelity to the Crown, and Royal Interest, might prove dangerously Obstructive to their wicked Intentions, they were resolved, to attempt, to deceive as many of them as they could, by their popular Rhetorick, upon this Topique of the danger of evil Counsels and Counsellors, and if any proved refractory, or had Constitutions too strongly amuletted with Loyalty against this insinuating Poison, they had other more severe Methods of purging the Body Politick and Representative, to be made use of upon Occasion, as we shall see hereafter.

Upon this Subject of evil Councils and Counsellors, Mr. Pym the great Oracle of the Faction, took Occasion at this last Conference, to display his Talent in these Terms.

**H**E said, he was to speak touching the ill Councils, which he laid down in these several Steps.

(1) First, That the Dangers which come to the State by ill Councils, are the most pernicious of all others; and since it is usual to compare Politick Bodies, with the Natural, the Natural Body is in danger divers Wayes; either by outward Violence, and that may be foreseen and prevented, or else, by less appearing Maladies, which grow upon the Body, by Distempers of the Air, immoderate Exercise, Diet, &c. and when the Causes of the Disease are clear, the Remedy is easily applied, but Diseases, which proceed from the inward Parts, as the Liver, the Heart, or the Brains, the more noble Parts, it is a hard thing to apply Cure to such Diseases.

Ill Councils they are of that Nature, for the Mischiefs that come by evil Council, corrupt the Vital Parts, and overthrow the Publick Government.

(2) \* The second Step is, That there have been lately, and still are, ill Councils in this Kingdom, and about the King. (1) That there hath been lately, you will not doubt, when the main Course of the Government, hath been so imploied, as Popery thereby hath been maintained, the Laws subverted, and no distinguishing between Justice and Injustice: and that there is still reason to doubt, is apparent by the Courses taken to advance mischievous Designs, but that his Majesties Wisdom and Goodness kept them from the Heart, though they were not kept out of the Court; so most Principal and mischievous Designs, have been practised by such, as had near Access unto his Majesty,

Novemb.  
1641.

Mr. Pym's  
Speech at the  
Conference,  
concerning  
ill Councils,  
November 10.

\* If this had  
been applied  
to himself and  
his Faction, he  
never spoke  
more truth in  
his whole life.



Novemb.

1641.

\* A remarkable Testimony from an Enemy of the King's Innocence.

Majesty, though not to his Heart; and the Apologists and Promoters of ill Counsels, are still preferred.

(3) The third Step is, That the ill Counsels of this Time, are in their own Nature, more mischievous, and more dangerous, then the ill Counsels of former Times; former Counsels, have been to please Kings in their Vices, \* *from which our King is free*, and sometimes for racking of the Prerogative, if it had gone no further, it had brought many Miseries, but not Ruine and Destruction; but the ill Counsels of this Time, are destructive to Religion and Laws, by altering them both, therefore, more Mischievous in their own Nature, then those of former Times.

(4) The fourth Step is, That these ill Counsels, have proceeded from a Spirit and Inclination to Popery, and have had a Dependance on Popery, and all of them tend to it; the Religion of the Papists, is a Religion incompatible with any other Religion, destructive to all others, and doth not indure any thing that opposeth it: whosoever doth withstand their Religion, if they have Power they bring them to Ruin.

There are other Religions that are not right, but not so destructive as Popery is; for the Principles of Popery, are destructive to all States and Persons that oppose it; with the Progress of this mischievous Council, they provide Counsellors, fit Instruments and Organs, that may execute their own Designs, and to turn all Councils to their own Ends; and you find that now in *Ireland*, that those Designs, that have been upon all the Three Kingdoms, do end in a War, for the maintenance of Popery in *Ireland*, and would do the like here, if they were able, they are so intentive, to turn all to their own Advantage.

(5) The fifth Step, That unless these ill Councils be changed, as long as they continue, it is impossible, that any Assistance, Aid or Advice that the Parliament can take to reform, will be effectual; for the Publick Orders and Laws are but dead, if not put in Execution; those that are the Instruments of State they put things into Action; but if acted by Evil Men, and while these Counsels, are on foot, we can expect no good, it is like a Disease that turns Nutritives into Poyson.

(6) The sixth Step is, That this is the most proper time, to desire of his Majesty the Alteration and Change of the evil Counsellors, because the Common-Wealth is brought into Distemper by them, and so exhausted, that we can indure no longer.

Another Reason, why we cannot admit of them, is to shew our Love and Fidelity to the King, in great and extraordinary Contributions and Aids; when God doth imploy his Servants, he doth give some Promise, to rouse up their Spirits, and we have reason now to expect the King's Grace in great abundance; this is the time, wherein the Subject is to save the Kingdom of *Ireland*, with the hazard of their Lives and Fortunes. And therefore expect from his Majesty, in a more larger and bountiful Manner, then at other times; A time of great Agitation and Action, their State is ready by preparation to annoy us, and ill and false Councils at home, may quickly bring us to Ruin; as we have weakness at home, so we ought to discern the Actions abroad, where great Provisions are made; and a carelesness and improvidence herein, when our Neighbours are so provided, and have such great Fleets at Sea, as will open a Way to suddain Ruin and Destruction, before we can be prepared, and therefore now the fittest time to move the King.

(7) The seventh and last Step is, That this Alteration of Councils, will bring great Advantages to the King in his own Designs. In all our Actions, our Prayers to God should be, that his Name should be Glorified, so our Petitions to his Majesty, should bring Honor and Profit and Advantage to him, by a discouragement to the Rebels, a great part of their Confidence resting in the Evil Counsels at home, as by the Examinations appeareth: it will be a great Encouragement to the King's good Subjects at home, who hazard their Lives, and give Aid and Contribution, to have things governed for the Publick Good; it will make Men afraid, to prefer Servants to the King that are ill Counsellors, when they shall come to the Examination of the Parliament, for many times Servants are preferred to Princes, for advantage of Forreign States.

This



This will put an Answer into the King's Mouth, against all Importunities, that he is to prefer none, but such as will be approved on by Parliament, those that are Honorable and most Ingenious, are aptest to be troubled in this kind, and not to deny, therefore the King may Answer, he hath promised his Parliament, not to admit of any, but by Advice in Parliament, this will Answer them all.

Novem.  
1641.

These are Domestick Advantages, but it will also make us fitter to enter into Union and Treaty with Foreign Nations and States, and to be made partakers of the Strength and Assistance of others; It will fortifie us against the Designs of Foreign Princes; there hath been common Council at *Rome* and in *Spain*, to reduce us to Popery; if good Counsel at Home, we shall be the better prepared, to preserve Peace and Union, and better Respect from Abroad.

Lastly, it will make us fit for any Noble Design Abroad.

Let us but turn the Tables, and imagine this Speech spoken by some Loyal Gentleman against Mr. *Pym* and his Confederates, and we shall find all those mischiefs and dangers from ill Counsels and Evil Counsellors, the Alteration of Religion, and Subversion of Laws, the Encouragement of the *Irish* Rebellion, the Impoverishment of the Nation, the Loss of Liberty and Property, the Ruin of the King and Kingdom, to be the Natural Effects of their Consultations and Actions. But in Order to accomplish their Wicked Designs, the People must be affrighted with the danger of approaching Popery, the present Government traduced with intentions of re-introducing it, and the King must be Wounded through the Sides of the most Faithful of his Friends; These were the Popular Arts, by which, after they had by repeated Flatteries, Importunities and Promises, obtained from the King those Fatal Concessions before mentioned, they pursued their Design, and by Arming those People, whom they had deluded with the pretence of Religion, and hurrying them on into Actual Rebellion, they fought by Violence to obtain that, which they could not do by Fraud and Flattery.

But to proceed; After this an Order was read in the House of Lords made by the House of Commons, Dated Nov. 9. 1641.

*That an Ordinance of Parliament may pass, to engage the Honor Credit and Authority of both Houses of Parliament, for the securing and repaying to the City, the 50000 l. with Interest, desired to be borrowed of them, for the Occasions of Ireland, and that a provisional Act, shall pass with all Speed, for repayment of the said Summ with Interest, within six Months*

Next an Ordinance of Parliament was read, concerning the *Irish* Affairs in, *hæc verba*, viz.

**W**HEREAS there is just Cause to conceive, that diverse ill Affected Persons here being Natives or Inhabitants of Ireland, do intend to pass over thither, to joyn with the Rebels: It is Ordained by the Lords and Commons in Parliament, that no Irish Man shall pass out of any the Parts of this Kingdom, to return into Ireland, without special License of the Committees of both Houses for Irish Affairs, or the Lords of his Majesties most Honorable Privy Council, or of the Lord Lieutenant of Ireland; It is further Ordered, That no Arms, Munition or Powder shall be transported, without such License as is aforesaid. It is likewise Ordeined by the said Lords and Commons, That whereas upon the perusal of diverse Letters, and other Intelligence here, there is just Cause

The Ordinance of Parliament prohibiting any Irish to pass out of England without License, &c.



Novemb.  
1641.

*Cause to suspect, that diverse of his Majesties Subjects in Ireland, had some Hand in the Conspiracy, and Rebellions of the Irish. That the Lord Lieutenant shall certifie from time to time, during his Aboad in England, into Ireland the Names of such suspected Persons, and the the Grounds and Reasons of the Suspition, and that thereupon the Lords Justices of Ireland, and the rest of his Majesties Council there, shall enter into Examination of the said Parties, and shall have Power to commit them to Prison, till the Truth may be fully discovered, that so they may either be cleared, if they be Innocent, or if they be found Guilty, they may be proceeded against according to the Laws; And that this Ordinance of Parliament, shall be a sufficient Warrant to the Lord Lieutenant, Lords Justices, and Council aforementioned.*

The Lord Admiral then acquainted the House, That he had Command and Directions from his Majesty, to send some Ships, for the Guarding of the Irish Coasts, and also some Ships to keep the Narrow Seas; because his Majesty conceives, that the Rebellion from Ireland is fomented from abroad, and that they expect some Supply from Foreign Parts. And his Lordship desires to have the Directions of the Parliament herein what to do: Whereupon it was ordered to have a Conference with the Commons about it.

Divers Orders were read, which were made by the House of Commons, concerning the Irish Affairs, to which they desired their Lordships concurrence, that so they may be put in Execution.

Some Orders  
of the House  
of Commons  
concerning  
the Affairs  
of Ireland.

*That the Merchants, who have made the Proposition to their House of Transporting Spanish Money in specie into Ireland, for the present Occasions of that Kingdom, shall have Liberty to Transport so much only as the Lords and Commons in Parliament shall from time to time give them Order and Direction for, paying it there as it passes by Proclamation: and that all Sums so Transported, shall be Registred in the Custom-House, and that they shall bring Certificates, from the Ports where they shall land the said Moneys, that they have landed so much there.*

(2.) *That Mr. Henley and Mr. Hawkrige are to pay to Sir Adam Loftus 20000 l, that is, 6000 l. upon sight, and the other 14000 l. within 14 Dayes after that 15000 l. shall be paid here. And the said Mr. Henley and Mr. Hawkrige are to receive 10000 l. in hand, 5000 more at Six dayes, and 5000 l. more at Two Months; And they are to have a License for the Transporting of 20000 l. of Spanish Money; And they are to have the Use of such Shipping, as is appointed to Transport Money for the present Service in Ireland; And to make Entry of the said Sum in the Custom-House here, and to bring Certificates from the Ports in Ireland, where they shall land the said Money, that they have landed so much there.*

(3.) *The Commons desire that Sir Robert King and Col. Culpeper may be added to those that are appointed Assistants to the Committees for the Irish Affairs.*

(4.) *That the Servants belonging to the King, Queen, Prince, or to any of the Kings Children, may according to the Law take the Oaths of Supremacy and Allegiance.*

(5.) *That Magenes and Redmond, against whom the Mayor of Chester sent up an Information, may be brought up to the Parliament severally, and not permitted to speak with one another, and that they may be Examined upon such Interrogatories as shall be propounded by the House of Commons. And that the rest of the persons that were in their Company and fled, may be*



be pursued with Hue-and-Cry and apprehended, and such Irish-Men that shall be stayed in the Ports, may be Examined upon such Interrogatories as shall be presented by the House of Commons.

Novemb.  
1641.

(6.) That their Lordships would give the Commons an Answer touching the Proposition formerly brought up concerning the Issuing out of a Proclamation in Ireland, to recall such Papists home here, as have within one Year last past gone into Ireland, Except the Earl of St. Albans and others, who live there upon their Ancient Inheritance.

To all which Propositions the Lords Assented.

Then the House of Lords took into Consideration the Instructions which are to be sent into Scotland to the Committees there, and the several Articles being read, the House gave these Resolutions as followeth.

The Answer of the Lords to the Instructions to be sent to the Commissioners in Scotland.

To the First Article the House Assented, as also to the Second, Third and Fourth.

Resolved upon the Question by the major part,

That there shall go a thousand Scots out of Scotland, for the repressing of the Rebellion in Ireland.

To the Sixth agreed to.

Ordered, That the Debate of the Remanent Propositions shall be deferred until to Morrow.

In the Commons House Mr. Wheeler made a Report from the Committee concerning the Guards of Westminster and Middlesex: Whereupon it was Resolved and Agreed, That the Officers and Soldiers shall have Pay, according to the List hereafter mentioned, that this Pay shall begin on Monday next; and for the time past, the Recompence is referred to the Consideration of this House. The Watch began the 20th of October.

The Establishment and Pay for a Guard for the Parliament.

Resolved, &c.

That for the Orderly payment of them, a Clerk shall be appointed, as well for the paying of them, as view of them, and to keep Rolls.

That this Pay shall be made out of the Poll-mony remaining in the Charge of the Treasurers of Westminster.

That the Deputy Lieutenants of the County of Middlesex, shall bring in the Names of such Persons as they will compleat their Companies withal to the Committee, to be presented to the House.

That in regard the Company of Westminster is very large, and the great increase of new Inhabitants and able Men to bear Arms, that the Deputy Lieutenants shall consider some way how the same may be divided into two or more Companies, so as there may be Two hundred Men in each.

To consider of some way to punish Defaulters, and such as are unruly.

That the Officers of the Four Neighbour Companies shall be treated withal, and out of those to have a hundred Men, which may watch in turns.



Novemb.

1641.

|                                              | <i>l.</i> | <i>s.</i> | <i>d.</i> |
|----------------------------------------------|-----------|-----------|-----------|
| <i>The Pay for 100 Men at 12 d. per diem</i> | 05        | 00        | 00        |
| <i>1 Captain</i>                             | 00        | 08        | 00        |
| <i>1 Lieutenant</i>                          | 00        | 04        | 00        |
| <i>1 Ensign</i>                              | 00        | 02        | 06        |
| <i>2 Sergeants 18 d. per diem</i>            | 00        | 03        | 00        |
| <i>2 Drums</i>                               | 00        | 02        | 00        |
| <i>Clerk 2 s. per diem</i>                   | 00        | 02        | 00        |
| <hr/>                                        |           |           |           |
| <i>Total per diem</i>                        | 06        | 01        | 06        |

*The Train Bands to have 18 d. per diem so long as they Watch, and to begin on Monday.*

The Declaration or Remonstrance of the State of the Kingdom was still Hammering upon the Anvil, with all the secresie imaginable, for the Clerk of the Commons House was this day Ordered, not to give out any Copies of it.

But in the Debate it was moved, *That a Consideration be had of adding to the Remonstrance the Sermons Preach'd in divers places before the King, that the Subject had no Property in his Estate.*

*The Prayer set forth by the Bishops, wherein they call the Scots Rebels.*

*The Clergies Contribution before the Convocation.*

*The Imprisonment of the Aldermen of London.*

By which the Reader may observe that all the Scandals and Untruths imaginable were amassed, and industriously sought out, and collected, to render the King and his Government suspected and hated, and to bring the Loyal Bishops, and Orthodox Clergy into the utmost contempt and hatred among the People.

A Letter was this day read in the Lords House, sent from the Council in Ireland to the Lord Keeper, dated the 5th of November, shewing, *That the Protestants there will be utterly destroyed, and that Kingdom lost from the Crown of England, if present supply of Men, Munition, and Money be not sent them from hence.*

The Lord Lieutenant also presented to the House a Letter from them of the same Date, shewing, *That the Rebels there do proceed in their Rebellion, and have seized on the Houses, Estates, and Persons of divers Men and Women of good Quality, and have murdered many. That they are in several Parts of Ireland gathered, to the number of 30000, and threaten that they will not leave an English Protestant there; and that they will not lay down their Arms, until an Act of Parliament be pass'd for freedom of their Religion. That the Council desires, that they may be speedily supplied with 10000 Men, and Arms, and 100000*l.* in Money: And they offer it to their Lordships consideration, whether it be not fit and convenient, that Mac-guire, and Mac-Mahon be sent into England, for their better security.* Upon the reading of which Letters, it was agreed to have a Conference with the House of Commons, and to communicate the Letters to them.

It was signified to the Lords, *That Mr. O Neal being appointed to be Examined before the Deputed Lords, concerning ill Counsel which was given*

Thursday,  
Novemb. 11.  
Letters from  
Ireland.



ven to the King's late Army in the North, he desired before he was Examined of his supposed Crime, that he might have the Judgment of the House of Lords, and the Resolution of the House of Commons, Whether the Act of Pacification and Oblivion do not interpose, and exempt him from being Questioned for the supposed Crime, whether it be Civil or Criminal? This he doth not plead as a Pardon, which would imply a Crime, which he is not guilty of, but as his own Sense upon that Act.

Hereupon the Act of Oblivion was read, and afterwards the Lords Commissioners, that were present, did averr, That in their Treaty with the Scots Commissioners they never did intend the said Act should Extend further than to things past between the Two Kingdoms of England and Scotland in matters of Hostility, and things thereunto belonging; and not to things to come.

For further Debate hereof, the House was adjourned into a Committee during pleasure; and the House being Resumed, it was Resolved upon the Question *Nemine Contradicente*,

That it belongs to the House of Peers by the Ancient Laws and Constitutions of this Kingdom, to interpret Acts of Parliament, in time of Parliament, in any Cause that shall be brought before them.

And it is likewise Ordered, That Mr. O Neal shall be Examined by the Deputed Lords appointed for that purpose, notwithstanding his Allegation.

Upon Information given this day to the House, That certain persons of Egham were apprehended by Order of this House for killing the King's Deer, and committing Riots in the Forrest of Windsor, and Egham Walk, and being in the custody of the Messenger, were Rescued out of his hands by violence, by some of their Companions: Hereupon it is Ordered, That a Warrant be sent to the Sheriff of Surrey to assist the Messenger of this House, for the apprehending the former Delinquents, and of such persons, that rescued them out of the Messengers hands, and that they be brought before this House, that they may receive punishment according to their deserts.

These passages may seem too trifling to be inserted into these Collections, but I thought it absolutely necessary, that by these Insolencies Posterity might see how cheap and contemptible the Actions of this Parliament had made the King in the esteem of the Common People, and how unfit it is for Loyal Subjects to ask, and for Princes sometimes to part with things which seem little or indifferent, for such it may be might be the Regulation of the Forrests, which yet it is evident was the Occasion of this Contemptuous Carriage of People of the lowest Rank towards him, who ought to have been esteemed their Dread Sovereign by the highest: But it was no wonder to see them follow the Example of their Superiors, who committed daily Riots upon the King's Prerogative and Reputation.

But to proceed, The Lord Keeper reported the Conference with the Commons, That he had acquainted them, that their Lordships had agreed to six of the Instructions for the Committees in Scotland, but the other being of great Consideration, by reason of the pressing Affairs of Ireland, they were forced to lay aside till a more convenient time.

(1) Then his Lordship reported, That the House of Commons, desires the Letter read this Day, sent from the Lords of the Council in Ireland, may be communicated to the City of London, to let them see the truth of the Affairs of Ireland, that so they may be the better stirred up

Novemb.  
1641.

An Explanation of the Extent of the Act of Pacification.

The House of Lords the Interpreters of Acts of Parliament in time of Parliament.

Riot in the Forrest of Windsor.

Lord Keeper Reports Conference about the Letters from Ireland.



Novem.

1641.

and induced to lend Money for the present supply of the business of Ireland; and to this purpose the House of Commons will employ some Members of their own.

Which Proposition this House agreed to.

(2) That in regard of the present urgent Occasions of Ireland, the House of Commons thinks it fit, the Six Thousand Men, which both Houses resolved should be sent into Ireland out of England, shall be increased to the Number of Ten Thousand Men, and Two Thousand Horse.

Which the Lords also agreed to.

(3) That the House of Commons had voted to desire the Assistance of our Brethren of Scotland against Ireland for 10000 Men, not presently to be sent, but at such times, and in such Manner, as shall be agreed upon, by Articles and Conditions of both Parliaments, according to future Occasions.

Whereupon it was Resolved upon the Question, &c.

That this House shall desire the Aid of our Brethren of Scotland, for 1000 Scots for the present to be sent over into Ireland, with an Intimation of a desire of 9000 more to make up 10000 Men, if Occasion be, according to such Articles, as shall be agreed upon with the Parliament of England.

The same things were Voted in the Commons House, only concerning the Scots some little difference, viz. Resolved, &c.

That this House doth incline, to accept of the Offer of the Scots, for sending of Ten Thousand Men into Ireland, under such Conditions and upon such Cautions, as shall be Honorable and Safe for this Kingdom.

Resolved, &c.

That unless the Scots shall condescend to be commanded by the Government of English settled in Ireland, that there is no intention that any should go at all.

The Dean of Ely, Dr. Fuller, was upon his Petition this day Ordered to be Bailed; and Colonel Fitz Williams, who for Transporting several Men into France, was in Custody, was discharged of the Serjeant, and Ordered to attend the House.

It will possibly by this time be expected that we should take a Trip over the Sea, to see the Posture and Condition of that deplorable Nation of Ireland, and the Progress of the Rebellion, of which every day produced some of Job's amazed Messengers, bringing ill Tidings one upon the neck of another. And indeed not only every day, but almost every hour produced fresh intelligence of the greatness of the Conspiracy, and the inhumane Cruelty of the Rebels, who Robbed, Stripped and Barbarously Murdered the Protestants, wherever they got them into their Power. The Lord Blaney himself brought the account of the surprisal of his House, Wife and Children by the Rebels in the County of Monaghan: An advertisement came from Sir Arthur Tyringham of the taking of the Newry, and the poor English who escaped the fury of the Rebels, brought continual fresh Relations of the miserable Condition of the Province of Ulster, where the Rebellion first took its rise.

Dr. Fuller  
Dean of Ely  
Bailed.

It



It may well be imagined that the consternation at *Dublin* was extraordinary, occasioned both by the true Accounts which daily arrived, and the false Rumors which upon such occasions a general Fear and Amazement is wont to produce ; the City was weak and defenceless, and the Popish Party within it great and formidable, and the Rebellion now appeared without all doubt to be universal in all the Northern Parts, and it was dangerously to be suspected, that this impetuous Torrent would not be contained within those Bounds, but that the other Parts of the Kingdom would by their Example and Incouragement break all the Banks of Obedience and Loyalty ; so that an universal Deluge of Rebellion was hourly expected. And to add to the misfortune, there was no Mony in the Exchequer to raise Men to oppose the Progress, or crush the first beginnings of the Conspiracy, the veterane Army which was kept a foot was very inconsiderable, and dispersed into several distant Quarters and Garrisons ; and if they had been together, not much above 3000 Foot and Horse ; as appears by this following List.

A List of his Majesties Army in *Ireland*, 1641. before the Rebellion.

The Foot Companies consisting of 6 Officers, viz. Captain, Lieutenant, Ensign, Chyrurgeon, Sergeant, and Drum, and 44 Soldiers each Company, were under these following Commanders.

|                            |    |                             |    |
|----------------------------|----|-----------------------------|----|
| Lord Lieutenant's Guard,   | 45 | Sir John Sherlock,          | 44 |
| Sir Robert Farrar,         | 44 | Captain John Ogle,          | 44 |
| Sir Thomas Wharton,        | 44 | Sir William St. Leger,      | 44 |
| Sir George St. George,     | 44 | Lord Blaney,                | 44 |
| Captain Francis Butler,    | 44 | Lord Viscount Ranelagh,     | 44 |
| Lord Docwra,               | 44 | Sir John Vaughan,           | 44 |
| Sir Robert Steward,        | 44 | Sir Henry Tichbourn,        | 44 |
| Lord Viscount Baltinglass, | 44 | Lord Castle Stewart,        | 44 |
| Captain George Blunt,      | 44 | Capt. Chichester Fortescue, | 44 |
| Sir Frederick Hamilton,    | 44 | Captain John Barry,         | 44 |
| Sir Lorenzo Cary,          | 44 | Capt. Thomas Rockley,       | 44 |
| Sir John Gifford,          | 44 | Capt. Philip Wenman,        | 44 |
| Sir John Netterville,      | 44 | Sir Charles Coote,          | 44 |
| Sir Arthur Tyringham,      | 44 | Sir Francis Willoughby,     | 44 |
| Captain Charles Price,     | 44 | Capt. Robert Bailey,        | 44 |
| Capt. Thomas Games,        | 44 | Capt. William Billingsley,  | 44 |
| Sir John Borlase,          | 44 | Lord Lambert,               | 44 |
| Sir Arthur Loftus,         | 44 | Lord Folliot,               | 44 |
| Lord Esmond,               | 44 | Captain Robert Biron,       | 44 |
| Sir George Hamilton,       | 44 | Earl of Clanricard.         | 44 |
| Sir William Stewart,       | 44 |                             |    |

These 41 Foot Companies contain

|           |       |             |       |
|-----------|-------|-------------|-------|
| Officers, | 246.  | { In all, } | 2297. |
| Soldiers, | 2051. |             |       |

Novemb.

1641.

The sad Condition of *Ireland*, at the time of the Rebellion.

A List of the Officers and Army in *Ireland*, when the Rebellion brock out.

The



Novemb.  
1641.

The Horse Troops consisting of Captain, Lieutenant, Cornet,  
and Horsemen.

|                                               |      |                                     |      |
|-----------------------------------------------|------|-------------------------------------|------|
| The Lord Lieutenants,                         | 108. | The Marquess of Ormonds,            | 107. |
| Earl of <i>Straffords</i> ,                   | 58.  | Lord <i>Dillons</i> ,               | 58.  |
| Lord <i>Wilmots</i> ,                         | 58.  | Sir <i>William St. Legers</i> ,     | 58.  |
| Lord Viscount <i>Moors</i> ,                  | 58.  | Lord Viscount <i>Grandisons</i> ,   | 58.  |
| L. Viscount <i>Cromwel</i> of <i>Lecale</i> , | 58.  | Captain <i>Arthur Chichesters</i> , | 58.  |
| Sir <i>George Wentworths</i> ,                | 58.  | Lord Viscount <i>Conways</i> ,      | 58.  |
| Sir <i>Adam Loftus</i> ,                      | 58.  |                                     |      |

These 13 Troops contain

|           |      |             |          |                        |
|-----------|------|-------------|----------|------------------------|
| Officers, | 42.  | { In all, { | { 943. { | { Horse and Foot 3240. |
| Soldiers, | 901. |             |          |                        |

A very inconsiderable Army, had they been altogether in a Body.

The only thing which was of considerable advantage, was, That the Magazines were well stored with Arms and Ammunition; For besides several Pieces of Artillery, most of them fit for present Service, there was Arms for 10000 Men, 1500 Barrels of Powder, with Match and Ball proportionable in the Castle of *Dublin*; but this Store was owing to the Care and Prudence of the Wise thô Unfortunate Governor the late Earl of *Strafford*, whose Providence even after his Death became thus Serviceable towards the preservation of that Kingdom.

However in this Extremity of Affairs, the Lords Justices and Council, set themselves with all possible application, to provide against this threatening Tempest. And in the first place they Constituted Sir *Francis Willoughby* Governor of the Castle of *Dublin*, placing such a Number of Men in Garrison there as might be able to defend a Place of so great Importance as that then was, by reason of the Stores of Arms and Ammunition there deposited, that from the surprizing of it, the Rebels had promised themselves the greatest advantages in their Wicked Enterprizes; and thô Providence had discovered and disappointed that part of their Design, yet it might reasonably be suspected, that they would not give over that attempt, the accomplishment of which, either by force or fraud, would of necessity so much facilitate all their other Intentions.

Letters and Expresses were dispatched unto the Presidents of *Munster* and *Connaght*, and to diverse of the Principal Gentlemen in those two Provinces; as also, to those of the Province of *Lemster*, giving them an Account of the Discovery of the Plot, that so they might stand upon their Guard, and take the best Measures they could for their own, and the Security of those Countries, where they Inhabited; an Express was sent to the Earl of *Ormond*, then at his House at *Carick*, with Letters to the same Effect; and also, to desire his Lordship with all possible Expedition, to advance with his Troop of Horse to *Dublin*. They sent Commissions to the Lords Viscounts of *Clandeboys*, and of *Ardes*, for Raising and Arming of the *Scots* in the Northern Parts; as also soon after to Sir *William Steward* and Sir *Robert Steward*, and several other Gentlemen of Quality in the North, which they were forced to send by Sea, the Rebels having cut off all intercourse to those Parts by Land.

The Letter to then Earl, now his Grace the Duke of *Ormond*, was as followeth. After

Sir *Francis Willoughby*  
Governor of  
the Castle of  
*Dublin*.

Letters sent to  
the Nobility  
and Gentry to  
inform them  
of the discovery  
of the Plot.



**A**fter Our very hearty Commendations to your Lordship, by this Proclamation, your Lordship will find the Condition of Affairs here. Our haste admits not long Discourse upon this Subject, only we pray and require your Lordship, to give Order, that it be published there: We having also directed this Bearer, to leave one Proclamation, at every Market-Town in his Way thither, for the more speedy Publication of the disappointment of their Design.

In the weighty Consultations now requisite here, your Lordship's Presence with us is so necessary, as we must pray and require you, to repair speedily hither, where your stay shall not be longer, than of necessity shall be requisite. And so We bid your Lordship very heartily Farewel; From his Majesty's Castle of Dublin 24 October 1641.

Your Lordships very loving Friends

The Plot was to Surprize all the Forts of the Kingdom, yesterday at one Hour, and they have taken Castle *Blaney* and *Neury*, but yet we hear of no more. The Lord *Macguire*, Captain *MacMahon*, and several others We have Committed to the Castle. Your Lordship is also required to bring your Horse Troop hither.

*Will. Parsons,*  
*John Borlase,*  
*Rob. Dillon,*  
*Rob. Digby,*  
*Ad. Loftus,*  
*John Temple,*  
*Fra. Willoughby,*  
*Ja. Ware.*  
*Rob. Meredith.*

To our very good Lord, *James Earl of Ormond, &c.*

Upon which Summons, from the Lords Justices and Council, his Lordship did, with all the haste and diligence imaginable, march with his Troop to *Dublin*, there to receive their Commands, and give Testimony of that Courage and steady Loyalty, which will for ever Record his Name in the Memoires of Time, for one of the most Celebrated Persons of his Age; and indeed had the Lords Justices been willing, and able to have hearkned to his Lordships Motion at the Council Board, to put him immediately at the Head of any considerable Strength, he would in probability, by God's assistance, have made a short dispatch of that Rebellion; for it was some considerable time, before the Rebellion became Universal; or otherwise Captain *Byron*, with a single Company of 50 Men, could not as he did, have by command from the Lord Justices and Council, have marched Safe, and without disturbance from *Tongball* to *Dublin*, which is above 80 Miles, nor was there any rising about *Kilkenny*, till two Months after the first Eruption; but it is too evident, that as the supine carelessness of some, did encourage the *Irish* to Rebel, so there were others in Power, who were so taken up with the Contemplation of Forfeitures, that they rather increased the Fuel, than took Care to suppress the Flame; so that it is no wonder, if his Lordships Motion was rejected, till it was too late.

However several Commissions were given out to diverse Gentlemen, even of the Romish Religion, to raise Men to suppress the Rebellion.

The Commissions then given out, run in the Stile of Martial Law, which was thought no more than Requisite, as appears by this following, which was given to the Lord *Gormanstone*.

Novemb.

1641.

A Letter from the Lords Justices and Council to the Earl of Ormond of the discovery of the Plot, Oct. 24. 1641.

By



Novemb.

1641.

A Copy of the  
Commissions  
for suppressing  
the Rebellion  
in Ireland Nov.  
1641.

*By the Lords Justices and Council.*

W. Parsons, John Borlase.

**R**ight Trusty and Well-beloved, We greet you well. Whereas divers most Disloyal and Malignant Persons within this Kingdom, have Traiterously conspired against His Majesty, His Peace, Crown and Dignity; and many of them in Execution of their Conspiracy, are Traiterously Assembled together in a warlike Manner, and have most inhumanly, made Destruction and Devastation of the Persons and Estates, of divers of his Majesties Good and Loyal Subjects of this Kingdom, and Taken, Slain and Imprisoned great Numbers of them. We, out of Our Care and Zeal for the Common Good, being desirous by all means, to suppress the said Treasons and Traitors, and to conserve the Persons and Fortunes of His Majesties Loving Subjects here in Safety; and to prevent the further Spoil and Devastation of his Majesties Good People here, Do therefore hereby Require and Authorize you, to Levy, Raise and Assemble, all, every, or any the Forces, as well Footmen as Horsemen, within the County of Meath, giving you hereby the Command in Chief of all the said Forces, and hereby further Requiring and Authorizing you, as Commander of them in Chief, to Arm, Array, Divide, Distribute, Dispose, Conduct, Lead, and Govern in Chief the said Forces, according to your best Discretion; and with the said Forces to Resist, Pursue, Follow, Apprehend, and put to Death, Slay and Kill, as well by Battel, as other ways, all and singular the said Conspirators, Traitors and their Adherents, according to your Discretion; and according to your Conscience and Discretion to proceed against them, or any of them, by Martial Law, by Hanging them, or any of them, till they be dead, according as it hath been accustomed in time of open Rebellion; and also to Take, Waste and Spoil their, or any of their Castles, Holds, Forts, Houses, Goods and Territories, or otherwise to Preserve the Lives of them, or any of them, and to receive them into his Majesties Favor and Mercy, and to forbear the Devastation of their, or any of their Castles, Forts, Houses, Holds, Goods and Territories aforementioned, according to your Discretion. Further hereby Requiring and Authorizing you to Do, Execute and Perform, all and singular such other things for Examination of Persons suspected, discovery of Traitors and their Adherents, parlying with, and granting Protections to them, or any of them, taking up of Carts, Carriages, and other Conveniences, sending and retaining Espials, Victualling the said Forces, and other things whatsoever conducing to the purpose aforementioned, as you in your Discretion shall think fit, and the necessity of the Service require; further hereby Requiring and Authorizing you, as Commander in Chief, to Constitute and Appoint such Officers and Ministers, respectively for the better Performance and Execution of all and singular the Premises, as you in your Discretion shall think fit. And We do hereby require and command, all and singular His Majesties Sheriffs, Officers and Ministers, and Loving Subjects, of and within the County of Meath, and the Borders thereof, upon their Faith and Allegiance to His Majesty, and to his Crown, to be Aiding, Helping and Assisting to you, in the Doing, and Executing of all and singular the Premises; This Our Commission, to continue during Our Pleasure only; and for the so doing, this shall be your sufficient Warrant. Given at His Majesties Castle of Dublin, Novemb. 1641.

To Our very good Lo. Nicholas  
Vic. Com. Gormanstone.

R. Dillon, Jo. Temple,  
Ja. Ware, Rob. Meredith.  
Imme-



Immediately upon the setting out of the Proclamation of the 23 of *October*, divers Lords of the *English* Pale, came to *Dublin*, and there declared to the Lords Justices, and the Board, with severe Protestations; their great Loyalty and Affection to his Majesty; and that they would with all readiness assist their Lordships, in the suppressing of this Rebellion; but within two or three days, they returned with a Petition, wherein they offered they said, the deep Sense they had of an Expression in that Proclamation, as if by the Words, evil affected *Irish* Papists, there being no Distinction, they might be misinterpreted, so as to reflect upon them, as comprehended under those general Terms. Whereupon the Lords Justices and Council, that they might clear this Point, and thereby secure themselves of the Loyalty and Services of these Gentlemen, who as well as their Ancestors, had upon former Occasions, manifested great Loyalty to the Crown of *England*, therefore to remove all Scruples, put out this following Explanatory Proclamation.

Novemb.  
1641.

*By the Lords Justices and Council.*

W. Parsons, John Borlase.

**W**Hereas a Petition hath been preferred unto Us, by divers Lords and Gentlemen of the *English* Pale, in behalf of themselves and the rest of the Pale, and other the old *English* of this Kingdom, shewing, That whereas a late Conspiracy of Treason, is discovered of ill-affected Persons of the old *Irish*, and that thereupon a Proclamation was published by Us; wherein among other things, it is declared, That the said Conspiracy, was perpetrated by *Irish* Papists without distinction of any; and they doubting, that by those general Words of *Irish* Papists, they might seem to be involved, though they declare themselves confident, that We did not intend to conclude them therein, in regard they are none of the Old *Irish*, nor of their Faction, or Confederacy; but are altogether averse and opposite to all their Designs, and all other of like Condition; We do therefore, to give them full satisfaction, hereby declare and publish to all his Majesties Good Subjects in this Kingdom, That by the Words, *Irish* Papists, We intended only such of the Old meer *Irish* in the Province of *Ulster*, as have Plotted, Contrived, and been Actors in this Treason, and others who adhere to them; and that We did not any way intend, or mean thereby any of the old *English* of the Pale, nor of any other Parts of this Kingdom, We being well assured of their Fidelities to the Crown, and having experience of the good Affections and Services of their Ancestors in former times of Danger and Rebellion. And We further require all His Majesties loving Subjects, whether Protestants or Papists, to forbear upbraiding Matter of Religion, one against the other, and that upon pain of His Majesties Indignation. Given at His Majesties Castle of *Dublin*, 29. Oct. 1641.

A Proclamation for the Satisfaction of the Lords and Gentlemen of the *English* Pale, Oct. 28. 1641.

|               |                 |
|---------------|-----------------|
| R. Ranelagh,  | Ger. Lowther,   |
| R. Dillon,    | Jo. Temple,     |
| An. Midenfis, | Fr. Willoughby, |
| Ad. Loftus,   | Ja. Ware.       |
| Geo. Shurley, |                 |

God save the King.



Novemb.

1641.

The Lords  
and Gentle-  
men of the  
*English Pale*  
supplied with  
Arms and  
Ammunition.

*Borlase Hist.*  
p. 28.

With this the Lords and Gentlemen of the *Pale* seemed extremely well satisfied, and the Lords Justices and Council were so far from suspecting them guilty of the Conspiracy, or that they would perfidiously renounce their Allegiance and fall in with the Rebels, that they immediately supplied them with a Convenient proportion of Arms and Ammunition, to enable them to defend themselves and those Counties of the *English Pale* against the attempts and incursions of the Rebels. To the Lord *Gormanstone* were delivered 500 Arms for the County of *Meath*; Arms for 300 men for the County of *Kildare*; Arms for 300 for the County of *Louth*; Arms for 300 for the County of *West-Meath*; Arms for 300 for the County of *Dublin*. And so assured did they seem to be of the Fidelity of these Lords and Gentlemen, that several Commissions, (whereof that before inserted to the Lord *Gormanstone* was one, and was found in his Study after he had quitted his House) were issued out to the Roman Catholiques, viz. To the foresaid Lord *Gormanstone* for *Meath*; To the Lord *Mountgarret* in *Kilkenny*; *Nicholas Barnewell* in *Dublin*; *Walter Bagnal* in *Caterlagh*; Lord *Louth* in *Louth*; Sir *Thomas Nugent* in *West-Meath*; Sir *Robert Talbot* in *Wickloe*; the two Sir *James Dillons* in *Longford*; and several others in *Munster*, *Connaght*, and *Ulster*; who not long after most treacherously turned those Arms they had received to defend the Government and Protestants, against them, and basely joyned with the Rebels.

It seems by comparing several past and future Transactions of these Lords and Gentlemen of the *Pale*, with some of the Examinations and Depositions taken about the Rebellion, that if they were not in the Conspiracy, yet they had a great inclination to promote rather than suppress it; though after all, the indiscreet Zeal of the then Chief Governors, by putting their Agent Sir *John Read* to the Rack, gave them but too great a pretence and colour for their Revolt; and I know nothing that can be sufficient to palliate much less Excuse Rebellion, upon any pretences whatsoever, till St. *Paul's* holy Rule be reversed, and that Men may do Evil that Good may come of it.

The Names of  
the Chief Re-  
bels.

Several Places  
surprized by  
the Rebels.

The strange  
Secresy of the  
Conspiracy.

The Principal of the Rebels that at first appeared in the Execution of this detestable Conspiracy, which broke out first in the Province of *Ulster*, were Sir *Phelim O Neal*, *Turlogh O Neal* his Brother, *Roury Mac-Guire*, Brother to the Lord *Mac-Guire*, *Philip O Reley*, *Mulmore O Reley*, Sir *Conne Mac-Gennis*, Col. *Mac-Bryan*, and *Mac-Mahon*. These having got together, according to their Assignment, did at one and the same time treacherously Surprize the Town and Castle of the *Newry*, the Fort of *Dongannon*, Fort *Montjoy*, *Charlemont*, *Tenrages*, *Carick Mac-Rosse*, *Clough-Cuter*, *Castle Blaney*, *Castle of Monaghan*, being all of them Places of considerable Strength; and besides these, many other Castles, Towns and Villages, so that before the End of *October* they had gotten into their Possession all the Towns, Forts, Castles, and Gentlemens Houses within the Counties of *Tyrone Donegal*, *Fermanagh*, *Armagh*, *Cavan*, *Londonderry*, *Monaghan*, and half the County of *Down*, except the Cities of *Londonderry* and *Colraign*, the Town and Castle of *Encekillin*, and some other Places, which were for the present bravely defended by the *British* Undertakers; though afterwards for want of Relief, they were surrendred also into the Hands of the Rebels.

Nor will it appear at all strange, that they made so great Progress in so little time, when it is considered, that the Conspiracy was so secretly carried among them, as that except the Information given to Sir *William*



*liam Cole*, it was not known to any of the *English* or *British* Inhabitants, till they felt the Effects of it. They Lived in the greatest seeming Friendship together with the *Irish*, which brought them into a Security that proved so fatal to them. • And like People, who are surprized in their midnight Sleep, with their House blazing about their Heads, when they had not seen the least Sparks of Fire at their lying down; so it happened to these miserable Creatures; who upon the first Risings about them, put themselves, their Wives and Children into the Protection of such of the *Irish*, whom they had most Obliged, and from whose Friendship they promised themselves Security and Preservation; but these Perfidious and Inhumane Wretches too frequently, either betrayed them into the Hands of the Rebels their Associates, who Murdered and Destroyed them; or at least Stript and Despoiled them of all they had; or else having them and their Goods and Money in their Power, basely did it themselves, and it is almost a shame to Humanity, to repeat the Cruelties which, as the Writers of that time relate from the Depositions of those, who escaped the Fury of the *Irish*, were acted upon the Innocent *English*, and *British* Inhabitants of that Island; but it will be a greater and eternal Reproach and Infamy to the Priests, and those, who call themselves the Religious, of the *Romish* Persuasion, that they were the Actors and Instigators of the deluded People, to commit those Execrable and Savage Cruelties, as if they were Meritorious and Acceptable Services to God Almighty, which far surpass the most Sanguinary Hecatombs, that were ever offered to the Devil, by the Blind and Pagan Idolaters; and yet it is but too evident, it must be placed to the account of those of the *Popish* Clergy; for it seems before the Plot was come to Maturity, there was a Consultation held at the Abbey of *Multiferman* in the County of *Westmeath*, where among other things the Question was debated, What Course should be taken with the *English* and all others, that were found in the whole Kingdom to be Protestants? some were only for expelling them, as the King of *Spain* did the *Moors* out of *Granada*; others disliked that Lenity, urging, that they might do as the *Moors* did, return with the Sword in their Hand, to carve out their own Revenge; and therefore pressed to have them universally cut off; the Debate lasted long, but at the last, some were for a middle way, neither to Banish nor Kill: and the Event justified all these Intentions, for in some Places, all were put to the Sword, or other more barbarous Executions; in others, some were imprisoned, but with the extremity and hardest Circumstances of that miserable Condition; and in other Places, they were dismissed with their Lives, Stript and Dispoil'd of all, and exposed to the deplorable Companions of Cold and Hunger, which proved often to be their lingring Executioners.

This put the *English* every where into so great a Terror, Amazement, and Consternation, that it deprived them of those Succors of Reason, which might have been of Advantage towards their Preservation; for generally where they did any thing for their own Defence, they did it singly, without Uniting and Arming themselves for the common safety: and even where they did, as in some Places stand upon their Guard, yet were they so apt to give Credit to the Promises and Oaths of the *Irish*, to give them Quarter, and safe Conduct into such Places, as they should please, that many were Circumvented by this Stratagem, who were afterwards basely Murthered, or at best Imprisoned, Stript and Exposed Naked to all the Extremities, which attend helpless Nature, in-

Novemb.

I 6 4 I.

Sir John Temple, *Irish* Rebellion p. 70. 71. et passim alibi.

Borlase Hist. p. 25. Dr. Jones's Deposition.



Novemb.

1641.

so much, that great Numbers of those, especially the Women and Children, who escaped to *Dublin*, and other Places in the North, did not long out-live the hardships of their Passage, but either Oppressed with Grief and the Terrors they had suffered, by the Tragical Losses of their Husbands, Children, Friends and Dearest Relations, or wearied with their Travail and Hunger, contracted such Diseases, as shortly after put a Period to their miserable Lives.

But amongst all these Unchristian, and even Inhumane Cruelties, which were committed generally by the Northern, or as they are usually called, to distinguish them from the *Irish* of the *English* Extraction, meer *Irish*, Truth and Justice exacts it from me, to Record the Mercy and Compassion of some, as well as the Cruelty and Barbarism of others. It is very possible, I may for this, fall under the Displeasure of some Persons, who though their own Hands still retain the Purple Dye of the Blood of their fellow Subjects Murdered by them, in the *English* Rebellion, yet think every thing an Excuse of their Brethren in Iniquity the *Irish* Rebels, which does not involve the whole Nation in a Common Guilt. But I cannot but disvalue all Censures, which may pass upon me, whilst like a Christian I endeavor to immitate his Example, who always discriminates between the Innocent and Culpable, and who renders to every Man according to his Works; and next to the horrid Crime of Murdering Mens Persons, certainly the Assassinating of an Innocent Reputation, must with good and rational Men, be a most odious Sin; and I cannot but condemn it as partiality, much unbecoming a Just Writer, that I have not observed, that the Bishop of *Meath*, or Sir *John Temple*, or Dr. *Borlase* take notice of any, or at least very few *English* saved, or protected by any of the *Irish*, but in all probability contrary to their own Knowledg, they seem to involve all the Nobility and Gentry of *Ireland*, in the common Guilt of the Plunderings, Robberies, Murders, and Massacres which were committed; as if the whole Nation had together with their Loyalty, put off all manner of Compassion and common Humanity; and what I condemn in them as a Fault against Truth and Justice, I cannot think will pass with Posterity, who will judge with less partial and more disinterested Thoughts, for a Virtue in me.

Several *English* Protestants preserved by the *Irish* Nobility and Gentry.

And it is most certain, that several *English* Protestants were preserved by the *Irish* Nobility and Gentry, and particularly one of the *Relyes* preserved many, and conveyed them safe to *Dublin*; amongst which the Bishop of *Elphin* then Minister of *Belsurbert*, as also the late Bishop of *Meath*, Nephew to Primate *Usher*, then Mr, *Henry Jones* and divers others.

One *Bourk* preserved many in *Connaght*, Fed and Clothed such as were Strip'd, and by the Marquiss of *Clanricard*'s Directions and Assistance they were safe conveyed to *Galloway*.

Sir *Edward Fisher*, Sir *Richard Everard*, and others preserved several in *Munster*.

Dr. *Pullen* was preserved at *Cashel*, as Sir *James Ware* in his Book *de Presulibus Hiberniæ* takes notice, and several others, by *Joseph Everard* and *Redmond English*, two *Franciscan* Friars, as was proved at their Trials at *Clonmel* in *Cromwel*'s time, upon which they were not only acquitted, but had Liberty to stay in the Country; and the Persons so preserved were convoyed from *Cashel* to *Cork*, several of the Convoy being wounded in the Way, by some *Irish* who met them in the Mountains.

James



James Lord of Dunboyn sent Mr. Hamilton with his Family safe to Carrick, to the now Lady Dutches of Ormond, who soon after took them with her to Dublin.

Novemb.  
1641.

But the fairest Character in this particular that I have seen is that of the Lord and Lady Muskery, being a whole Jury of Depositions taken before the Irish Commissioners for the Revenue in 1654, which follows.

The Deposition of Robert Farnam of Bandon in the County of Cork, an English Protestant, aged about 63 years, taken upon Oath as followeth.

HE Deposeth, That in the beginning of the late Rebellion, coming in another Company consisting of 150 Souls, as by James Burrel's List appeared, to Mocromp in the said County in a most miserable condition, the Lord of Muskery came in person to meet them near Mocromp aforesaid, and most compassionately looking upon them, said, Alas! poor Christians! I am extreme sorry you have been so dealt with; and in this Deponants hearing, gave charge to his Steward to see all that Company drawn by the Pole, and to each a like allowance to be given; which immediately was done, and this Deponant saith, That he saw 4 Barrels of Oatmeal, with Beef and Pork proportionable, brought to them, and the best accommodation the place could afford, provided: And this Deponant further saith, That he is fully satisfied, all that Company for the most part had perished that night, not only for want of Provision, but also by reason of the extrem foulness of the day, with Rain and Snow, the Company being stripped, had not they met with such a bountiful Reliever, whose care of their preservation continued until he safely conveyed them to such Garrisons as they pleased: And this Deponant saith, That the Lady of Muskery was very solicitous of them, and the said Lord and Lady were very careful, that no injury or violence should be offered to this Deponant or his Company, in their throughfare to the said Garrisons; all which being nothing but truth, this Deponant upon Oath doth affirm, and in manifestation thereunto subscribeth this 16th day of May, 1654.

Depositions in behalf of the Lord and Lady Muskery, for preserving of the English.

Robert R. Farnam  
his Mark.

This Deposition was taken before Us

Robert Phaier,  
Esay Thomas,  
Tho. Woodlif,

} Commissioners for the Revenue of the Precinct  
of Cork.

Twelve Depositions in behalf of the Lord and Lady Muskery, viz.

- 1 Sarah Vokely.
- 2 Barbara Moore.
- 3 Mrs. Love.
- 4 Catharine Floyd.
- 5 Mary Thomas.
- 6 Sampson Moor.
7. Eliz. Wharton.
- 8 Ann Field.
- 9 Corporal Biddel in behalf of the said Lord and Lady, with Eliz. Lasdoffers, in behalf of the said Lady.

10 Richard



November,  
1641.

10 *Richard Love.*

11 *Richard Allen, and William Baker.*

12 *Eliz. King.*

13 A Copy of the Certificate of the Lady *Muskery's* civil carriages since the Rebellion taken before the said Commissioners, Dated with the above Depositions, the 16th day of *May*, 1654.

The Bishop of *Ferns* also gave this Certificate, *That he saw a Gibbet upon Carigodrohatt Hill, with Two Irish-men hanging on it, Executed by the Lord Muskery's Order for Robbing some English-men, coming out from Kerry in the Week before Christmas, 1641.*

Dat. March 28 1682.

*Dondalk* taken  
by the Rebels.

The Rebels grown now numerous by meeting with little or no opposition, and insolent by their Successes, began to think of carrying all before them; and Sir *Phelim O Neal* had got together a great Army, though but in very ill Equipage, infomuch that he divided his Body, and with one part marched down towards *Lisnagarny*, near the chief Plantation of the *Scots*, whom hitherto they had professed they would permit quietly to live among them, and keep what they were possessed of; and the other part advanced towards the *English* Pale, and took in *Dondalk*, which they did with little difficulty, there being only one Company in the Town of the Army, commanded by a Lieutenant, who having neither Arms nor Ammunition quickly yielded the place, which he saw it impossible to defend, the Inhabitants being willing to Entertain the Rebels into the Town, as they had before into their Hearts, and good Affections. After the taking of this Town, which was about the beginning of *November*, they marched further into the County of *Lowth*, and took in *Ardee*, a little Town within Seven Miles of *Tredah*.

A Garrison  
opportunitely  
sent to *Tredah*.

The State had present advertisement from the Lord *Moor*, of their Motions, and the Design they had upon *Tredah*, and the ill posture it was in; and therefore dispatched away Sir *Henry Tichburn* with a Regiment, wherein several, who had been Field-Officers in former Employments, voluntarily served as private Captains, who going from *Dublin* the third of *November* happily arrived there the next day; and after them several Troops under the Command of Captain *John Slaughter*, Lieutenant to Sir *Thomas Lucas* Commissary General, *Thomas Graham* Lieutenant to Sir *Adam Loftus*, and others; by which means that important place was preserved from falling into the hands of the Rebels.

*Dublin* fortified.

The Lords Justices and Council did also with all diligence apply themselves now to fortifie the City and Suburbs of *Dublin*, which the Rebels, among other Insolencies, threatned to Attaque; Sir *Charles Coot* was made Governour of the City, and had a Commission to raise a Regiment of the poor stripped and dispoiled *English*, who had taken Sanctuary in that City; as also the Lord *Lambert* had to raise another. But the greatest difficulty was Money, which either was so really scarce, or so pretended by the Mayor, Aldermen, and Citizens, that when the Lords Justices sent to borrow Money of them, to victual the Castle, and carry on the Fortifications, they positively affirmed to the Board, all they could raise would not amount to above 40 *l.* and part of that in Cattle too; which to Posterity will rather appear an Argument of the little Affection they had to the Government, and to keep out the Rebels,

The Corporation of *Dublin*  
not able to  
raise above  
40 *l.*



Rebels, than of any real Want or Poverty. However, the Master of the *Rolls* by a pretty Artifice got the Castle plentifully Victualled ; for observing the Frights and daily Alarms in which the Protestants in the City were in, he laid hold upon this occasion ; and sending for some of the best Merchants of the Protestants, he represented to them how unsafe their Goods were in the Town, and advised them to bring them for security into the Castle, where they should be under a strong Guard ; and withal engaged, That if they were made use of for the Publick Service, he would become engaged for so much, which he would repay out of the first Money consigned from *England* ; which promise he exactly afterwards made good, by Bills drawn upon the Chamber of *London* ; by this means he got 2000 Barrels of Beef, 2000 Barrels of Herrings, and a large proportion of Wheat into the Stores of the Castle, which afterwards proved of excellent Use for the Relief, not only of the Castle, but of the Army, which was quartered in the City a long time after.

To prevent Dangers which might happen by the great resort of Strangers to the City, which raised great apprehensions in the honestest Party of the Inhabitants, a Proclamation was made, commanding all Persons in His Majesties Name, not dwelling in the City of *Dublin*, within one hour after the Publication thereof, immediately to depart upon pain of Death ; and this not seeming sufficiently effectual, upon the 28th of *October* a second Proclamation more severe was issued out, to the same purpose, with the penalty of death to such as should harbour or entertain such suspicious Persons. The Proclamations were as follow.

## By the Lords Justices, and Council.

William Parsons, Jo. Borlase.

**F**Or great and weighty reasons of State, concerning highly the Peace and Safety of this City and Kingdom, We do hereby in His Majesties Name strictly Charge and Command all manner of Persons of what Degree and Condition soever, who are not dwellers in this City or Suburbs, that within one hour after publishing this Proclamation, they depart from the Suburbs of this City, and return to their own dwellings, and that upon pain of death to be presently executed upon them, if any of them be found here after that time ; And all Housholders in the Suburbs, to whom any such may come, are to be equally guilty with such Contemners, if they Lodge or Entertain any of the said Persons hereby required to depart.

Given at His Majesties Castle of *Dublin* 23 *October*, 1641.

R. Dillon,

Fr. Willoughby,

Ad. Loftus,

Ja. Ware,

Jo. Temple,

Rob. Meredith.

By

*Novem.*

1641.

*Dublin* Castle well Victualled by a pretty Artifice of the Master of the *Rolls*.

A Proclamation commanding all Strangers upon pain of death to depart the City and Suburbs of *Dublin*, 23 *Octob.* 1641.



Novemb.

1641.

## By the Lords Justices and Council.

William Parsons, Jo. Borlase.

A second Proclamation for all Strangers upon pain of death to depart out of Dublin, &c. Octob. 28. 1641.

**W** Hereas, notwithstanding the late Proclamation published in this City, requiring all Strangers to depart from the same upon pain of Death, divers Strangers do daily repair to the same, and are entertained in several Houses, both within the City and Suburbs thereof; These are in His Majesties Name strictly to Charge and Command all such Strangers as are of late come into this City, or into the Suburbs thereof, to depart the same within one hour after the publishing of this Declaration, upon pain of Death to be Executed on them by Martial Law: And all such as have entertained any such Person or Persons into their Houses, are hereby strictly Required and Commanded to bring a Note of the Name of such Person or Persons so entertained, to the Mayor of this City, by the hour of Six of the Clock this present Evening, upon pain of death, to be Executed on them by Martial Law, who shall neglect so to do. Furthermore, the several Constables of this City are required this Night to make Search within this City and Suburbs thereof, for such Strangers, and the harbourers of them, and to cause them to be apprehended, and detained, until they shall receive directions from Us to the Contrary.

Given at His Majesties Castle of Dublin the 28th day of Octob. 1641.

R. Dillon,  
J. Temple,  
Tho Rotherham,

Ja. Ware,  
G. Wentworth,  
Rob. Meredith.

And because they saw the ill Consequence of the Calumny before mentioned, which the Rebels made use of, colouring all their impious Villanies under the Sacred Name of His Majesties Authority, the Lords Justices and Council, to undeceive the abused People, and vindicate His Majesty from the horrid Scandal, issued out the following Proclamation.

## By the Lords Justices and Council.

Wil. Parsons, Jo. Borlase.

A Proclamation against the Calumny of the Rebels presence of acting by the Kings Commission, Oct. 30, 1641.

**W** Hereas We the Lords Justices, and Council have lately found, That there was a most disloyal, wicked and detestable Conspiracy, intended and plotted against the Lives of Us, the Lords Justices and Council, and many others of His Majesties faithful Subjects, especially in Ulster, and the Borders thereof; and for the surprizing, not only His Majesties Castle of Dublin, His Majesties principal Fort, but also of other Fortifications in several Parts; and although by the great goodness, and abundant mercy of Almighty God to His Majesty, and to this State and Kingdom, these wicked Conspiracies are brought to light, and some of the Conspirators committed to the Castle of Dublin by Us, by His Majesties Authority, so as those wicked and damnable Plots have not taken effect in the chief Parts thereof; yet some of those wicked Malefactors have surprised



surprised some of His Majesty's Forts and Garrisons in the North of Ireland, slain divers of His Majesties good Subjects, imprisoned some, and robbed and spoiled very many others, and continue yet in those Rebellicus courses; against whom therefore some of His Majesties Forces are now marching to fight against them, and subdue them, thereby to render safety to His Majesty's faithful Subjects. And whereas to colour and countenance those their wicked Intendments, and Acts, and in hope to gain the more Numbers, and Reputation to themselves and their proceedings, in the opinion of the ignorant Common People, those Conspirators have yet gone further, and to their other high Crimes and Offences, have added this further wickedness, even to traduce the Crown and State, as well of England as Ireland, by False, Seditious and Scandalous Reports, and Rumors spread abroad by them. We therefore, to vindicate the Crown and State of both Kingdoms, from those false and wicked Calumnies, Do hereby in His Majesties Name Publish and Declare, That the said Reports so spread abroad by those wicked Persons, are most False, Wicked, and Traiterous; and that we have full Power and Authority from His Majesty, to prosecute and subdue those Rebels and Traytors, which now We are doing accordingly, by the Power and Strength of His Majesty's Army, and with the Assistance of His Majesty's Good and Loyal Subjects; and We no way doubt, but all His Majesty's Good and Faithful Subjects will give Faith and Credit to Us, who have the Honour to be trusted by His Majesty so highly, as to serve Him in the Government of this His Kingdom, rather than to the vain, idle, and wicked Reports of such lewd and wicked Conspirators, who spread those false and seditious Rumors, hoping to seduce a great number to their Party. And as We now believe, that some who have joyned themselves with those Conspirators, had no hand in contriving, or plotting the mischiefs intended, but under the pretence of those seditious Scandals were deluded by those Conspirators, and so are now become ignorantly involved in their guilts; so in favour and mercy to those so deluded, We hereby Charge and Command them in His Majesty's Name, now from Us to take light to guide them from that darkness, into which they were misled by the wicked seducement of those Conspirators, and to depart from them, and from their wicked Counsels, and Actions, and according to the duty of Loyal Subjects, to submit themselves to his Sacred Majesty, and to his Royal Authority, intrusted with Us. But in case those Persons which were no Plotters, nor Contrivers of the said Treason, but were since seduced to joyn with them, as aforesaid, lay not hold of this His Majesty's Grace and Favour, now tendred unto them; then We do by this Proclamation Publish and Declare, That they shall hereafter be reputed, and taken equally guilty with the said Plotters and Contrivers, and as incapable of Favour and Mercy as they are.

Novem.  
1641.

Given at His Majesty's Castle of Dublin the 30th of October, 1641.

La. Dublin,  
R. Ranelagh,  
Ant. Midenfis,  
John Rophoe,  
R. Dillon,

J. Temple,  
P. Crosbie.  
Ja. Ware.  
Rob. Meredith.



Novemb.

1641.

Friday,

Novemb. 12.

The Venetian  
Ambassador  
Complains of  
the breaking  
open of his  
Pacquer.

Let us now repass again to the Affairs of England, where we left the Skie also lowring, and the gathering Clouds threat'ning Tempestuous Weather in the State.

This day the Lord Keeper informed the House of Lords, *That the Venetian Ambassador, made a Complaint to the Lords of the Council, That the Dispatches which were sent to him this Week were opened, and the Seal of the State of Venice, broken by the Parliament, at which he finds himself so much aggrieved, that he hath retired himself from the Publick Affairs, as an Ambassador between this Kingdom and that State, until he receives further Commands from his Masters.* Then was read a Paper (being a Translation out of Italian, delivered by the said Ambassador) the Contents whereof was as follows.

Most Noble Lords,

The Venetian  
Ambassador's  
Memorial a-  
bout the break-  
ing up of his  
Letters.

**T**He Correspondency betwixt Princes, hath always been the most immediate Ways of a true Interest, of maintaining of Estates, and of continuing of Commerce to the Benefit and Increase of the Common-Wealth.

To Cultivate this, the most great Kings, hath always used the utmost Industry, and to facilitate it, they have introduced the Expedient of Ambassadors to confirm it, betwixt the one and the other Kingdom. In this there hath been all Respect rendred to all Princes, at all times, not only having made the large Prerogatives and Liberties, the very same, as I may say, with the Possession of their Dominions; and amongst the most remarkable and equally necessary, that Privilege, by which we may receive Letters, and send from each Prince, or any Person whatsoever without Interruption, which is the most principal Office of an Ambassador. Which Practice, Most Noble Lords, is not the Laws of our Nation alone, but Universal, and hath been maintained inviolate, by the Kings, and the Publick of all Christian Governments, no less than amongst the most Barbarous.

I nevertheless cannot say, but I have injoyed in this great Court, that just Respect, until the last Letters were opened, which came from France to me Directed; which although they were restored by my Lord Fielding and Sir Henry Vane, who upon their Honor, assured me, that it was a pure Error, and not willingly committed; which though I do believe, yet I could not perswade my self, that the Government of England, so Noble and Generous, should have so inferior a Mind, as to open the Letters of an Ambassador, and by this means, to Violate the Laws, and to give an ill Example to the World, of so little Respect towards the Ministers of the most Serene Republick of Venice, which for so many Ages, hath given a Sincere Testimony of Affection, and Esteem to this Crown.

But now fresh Experience to my great Affliction, hath given Testimony of the contrary, being yesterday all the Letters were opened, coming from Venice, Antwerp, and other Countries, and the very Letters writ unto me, from the most Serene Republick, and the Regal Seal being broken, and the Commission sent from my Lords being published, and many of my own Letters being taken; the Consequences of which, cannot be approved of by any.

I have judged it convenient, to give Notice unto your Excellencies, by which according to the greatness of your Wisdoms, you may take it into Consideration, and take such Resolutions therein, as you shall judge necessary,



ry, for maintaining the Honor of this Nation, and the Publick Faith, under the Protection of which, Ambassadors live; so that it may be known to all Princes, that in England they do not introduce New Laws, but that they will maintain the constant Profession, of rendring the ancient Respects, which are due to the most Serene Republick of Venice.

Whereupon the House thought it fit and agreed, That Satisfaction for this shall be given to the State of Venice, and to the Ambassador for the present; and the House appointed the E. of Bristol, E. of Holland, Viscount Say and Seal, L. Digby, and the L. Newnham, to draw up presently, what was fit to be given by Way of Answer to the Venetian Ambassador.

Their Lordships presented a Draught to the House, which was read in these Words, *viz.*

*That four Members of the House of Peers, be forthwith sent to the Ambassador's to disavow the Action, and to endeavor to give him all the Satisfaction possible, by declaring how sensible they are of it, as tending to the Breach of Publick Faith; and the Law of Nations; and to shew further how desirous they are to continue the ancient Correspondency, betwixt the King and that State, and that the House of Peers are resolved, to be humble Suitors to his Majesty, to hasten the departure of his Ambassador, to make known to that State the same Sense, with such other Expressions, as may best declare the tender Respect they have to the Honor of that State, and the Noble Usage their Ministers may expect and shall find in their Residence here from the King and Parliament.*

And the Lord Privy Seal, L. G. Chamberlain, L. M. of Hertford, and the L. Newnham, were appointed to deliver this Answer to the Venetian Ambassador.

After this the 13 Bishops which stand Impeached in this House, from the House of Commons, for Crimes in making the late Canons and Constitutions, and granting a Benevolence unto the King, being by Order of the House, to put in their Answers to the said Impeachment, were required by the Speaker, in the Name of this House, to put in their Answers.

Their Impeachment brought up from the House of Commons was read; and then the Council Assigned the Bishops were called in, and demanded to give in the Answers of the Bishops; they Answered, *they had delivered in the said Answer to the Lords the Bishops.* The Bishop of Winton hereupon delivered his Answer, with the rest of the Impeached Bishops in Writing, subscribed with all their Hands, excepting the Lord Bishop of Gloucester, who delivered in his by himself, by Word of Mouth, and pleaded not Guilty *Modo & Formâ*, as is charged in the Impeachment.

Then the Answer of the Bishops was read, which consisted of a Plea and Demurrer.

The Council being commanded to withdraw, the House took it into Consideration, and resolved to communicate it to the House of Commons, which was done accordingly, the Message being sent by Serjeant Whitfield and Serjeant Glanville.

The House of Commons fell upon the Debate of the Irish Affairs, and came thereupon to these Votes.

Resolved upon the Question,

*That this House holds it fit, That forthwith so many Officers be sent*

Novem.

1641.

The Answer of the House of Lords to the Venetian Ambassadors Memorial.

The Bishops put in their Answer by Plea and Demurrer.



Novemb.  
1641.

over into the North Parts of Ireland, as shall be sufficient to Command 2000 Men.

Resolved, &c.

That so many Officers shall be sent into the Province of Munster in Ireland, as shall Command a Thousand Foot, and a Troop of Horse.

Resolved, &c.

That it be propounded to the Lords, That Order be taken for the securing the several Forts of Ireland, viz. of Cork, Waterford, Limrick, King-fale, Youghall, Galloway, and Baltimore.

The House was then Resolved into a Grand Committee of the whole House, to consider of some Course, for providing Present Money for the Service of Ireland; and Mr. Hyde, reported the Debate.

Whereupon it was Resolved upon the Question,

That 200000 l. shall be raised for the Suppressing of the Rebels in Ireland, for Security of this Kingdom, and for payment of Debts.

Then Mr. Pym Reported from the Committee for Irish Affairs.

(1.) That he was Commanded to present a State of the Army, what charge it will be to the Common-Wealth, to maintain such Men as will be necessary for the Defence of Ireland.

Those Gentlemen that are appointed as a Council of War, to prepare things for this House, have proportioned the Charge in a middle way between 1618 and 1639.

That the Pay of a Regiment of 1000 Men, together with the Officers, amounts unto 19201 l. per Annum: for one Regiment of 600 Horse, 37310 l. per Ann. For the general Officers of the Field, 19541 l. 8s. 2d. per Annum.

Resolved, &c.

That this House shall insist upon their former Vote of accepting at this present of 1000 Men, only to be Raised in Scotland to be sent into Ireland.

The Lord-Keeper being so indisposed that he was not able to come to the House, the Lord Privy-Seal was appointed to be the Speaker of the House for this day.

The Lord Kymbolton then reported some Propositions from the Committees of both Houses for the Irish Affairs, which were read as followeth.

(1.) That Officers for 2000 Foot shall be sent, &c. ut supra in the Votes.

(2.) That it shall be referred to the Lord Lieutenant to make a List of those Officers, and to appoint of what numbers each Company shall consist of.

(3.) That the 1300 Arms that are in Carlisle, shall be sent away presently to the North Parts of Ireland, and Arms for one Troop of Horse.

(4.) That the Forty old Foot Companies be recruited unto 100 Men in a Company.

(5.) That the Recommendation of Sir John Clotworthy to some honourable Entertainment in Ireland, be proposed to the Lords.

(6.) That the like Recommendation be for the Lord Dungaruan, and for the Command of Youghal; this request the Lord Dungaruan desires may be left to the Lord Lieutenant.

(7.) That

200000 l. Voted to suppress the Rebels in Ireland.

The Charge of a Regiment of Horse and Foot with the Field Officers.

Saturday,  
Novemb. 13.



(7.) That Officers be sent into Munster for 1000 Foot, and 1 Troop of Horse, and this was the easier yielded unto, because the Lord Dungaruan informed, that the Soldiers should receive no Pay, till they were ready to March against the Enemy.

(8.) That present Order be taken for securing the Port Towns of Munster; as Cork, Waterford, Limrick, Kynsale, Youghal, Baltimore, Slego, and Garway in Connaght; because these Towns lie on the South-West of Ireland near Spain.

(9.) That the Officers may be speedily sent for Dublin.

(10.) It is thought fit by the Committees, that Sir Simon Harcourt should have the Sallary of 20 s. per diem above the rest for his Command of Dublin.

(11.) That the Entertainments of every Regiment of Foot and the Pay of the Officers of the Army shall be from the Date of their Commissions, and Sir Simon Harcourt to go away presently, to all which the Lords assented.

The Lord Newnham reported, That himself and the rest of the Lords appointed by this House, repaired to the Venetian Ambassador, and delivered unto him the Paper Translated into Italian, touching the excuse for opening his Letters, and after he had read it, he presented unto the House great thanks for sending persons of such great place in this State unto him, and promised he would represent the same to the State of Venice, with as much respect as he could; But desired that the Kings Ambassador may be sent away as speedily as may be to Venice, in the nature of a special Ambassador, to make excuse for this particular Business, before he Treat of any Publick Affairs; and for prevention of any Accident for the future, he desires to have an Order to the Post-Master, that his Letters may be speedily sent him. Whereupon the House thought fit, That the first desire concerning the Ambassador, be left to the Pleasure of His Majesty, and for the other, it was Ordered, That such Pacquets and Letters as are or shall be directed to the Venetian Ambassador, shall be forthwith delivered up to the said Ambassador's own hands.

It was this day Ordered, That the Earl of Newport, Master of the Ordnance, shall have power by Virtue of this Order to send his Commands, and Issue forth Warrants for the bringing up the Magazine of Arms and Ammunition, remaining now in Kingston upon Hull, unto the Tower of London for the securing of the Kingdom.

It was also Ordered, That because the Lord Lieutenant of Ireland hath not been invested in the Formality of his Place by the receiving of the Sword in Ireland, That his Lordship shall have power by Virtue of this Order to give Command to the Lords Justices of Ireland to seize upon the persons of any that are suspected, until they shall clear themselves unto the said Lords Justices there.

At a Conference this day, the Commons desired, That the first six Articles of Instructions to the Commissioners in Scotland; to which the Lords had already agreed with some little Alterations, as that 10000 Men might be raised in Scotland for the service of Ireland, might be speedily sent away by Mr. Pickering; and for the remaining Articles touching ill Counsels and Counsellors, they desire their Lordships would joyn therein, and they will tarry four or five days for their Lordships Resolutions.

Whereupon the 6 Articles were distinctly read over again, and the House agreed to them all, and Resolved to take the rest into Consideration hereafter.

Then

Novemb.  
1641.

Lord Newnham's Report of the Venetian Ambassadors receiving the Message from the Lords.

Order for bringing up the Ammunition from Hull.

Order about the L. Lieutenant of Ireland.



Novemb.

1641.

Then the Petition which was to go along with the Instructions was read in *hæc verba*.

### To the King's Most Excellent Majesty.

The Humble Petition of the Lords and Commons in Parliament.

Most Gracious Sovereign,

The Petition to the King in Scotland sent with the Instructions to the Committees.

*Whereas this Messenger Mr. Pickering is imployed with Instructions to our Committees in Scotland, to Petition your Majesty to propound to your Parliament of Scotland our desire of some Aids from that Kingdom for the suppressing of the Rebels in Ireland; if it fall out, that your Majesty shall be come out of Scotland, or our Committees before the Arrival of this Messenger there, We humbly beseech your Majesty to give Authority to the said Mr. Pickering to present the said Instructions to the Parliament of Scotland and to bring back their Answer to the Parliament of England. Which being read was Approved by the House.*

The Answer of the City about lending Money.

In the Commons House Sir Thomas Barrington Reports the Answer of the City, *That the Committee who were Ordered to carry the Letters which came last from Ireland to the City, to stir them up to lend Money, found a great deal of willingness and readiness in the City to do it; the Lord Mayor desired to know the particulars we had in Charge for their security, which being made known unto them together with the miserable condition of Ireland, Mr. Recorder did very much promote the Business, and pressed them to give their Votes: but before they did that, they desired by way of Propositions to offer something, not by way of Contract, to this Honourable House. (1.) That the Money should be paid as the Act was passed. (2.) That by reason of the Privilege of the Members of both Houses, and by reason of the Protections granted especially by the Lords, a vast Sum of Money is detained from them, so that Trade cannot be driven, nor are they so enabled to lend Money, as they desire, for the service of the Common-wealth. (3.) They said they were sensible of the miseries of the Protestants in Ireland, and of the Power of the Papists there; and therefore did press with much earnestness, That the Persons of the Popish Lords, and other Persons of Quality here in England might be secured, lest the same Design might be intended by them here, which they have cause to fear. Next, That there were divers Laws and good Motions sent up to the Lords for the good of this Church and Common-wealth, and that the great Impediment which did arise there that they passed not, was from the Bishops, and they did conceive that so long as their Votes was in the Parliament, it would be a hindrance to the Progress of all good Laws and Motions; and therefore they desired a further endeavour to take away their Votes; This being thus said by them, they put it to the Vote for lending Money, and not one Hand or Vote against it; And they did further declare, That if the Lord Mayor would send to every Ward they would presently pay the Money, or subscribe to do it in a short time.*

The Reader may now observe, That the City began to Dance after the Pipe of the Faction at Westminster; and to load the poor Bishops with being the Cause of the stoppage of the intended Reformation: They had wrested the Lord Mayor's Prerogative from him in the Election of one of the Sheriffs, as before was shewn; and did with great industry



industry endeavour to get the Government of the City out of the hands of those who were of known Loyalty to the Crown, and Affection to the Church.

The Faction in the Commons House needed not this Spur, to quicken the Career of their Animosity against the Lords the Bishops; however it was extream welcome to them, and an usual Artifice by their Agents to put both the City and Country upon Directing and Petitioning, what they had a mind to bring to pass; this gave a great colour to their proceedings, as being agreeable to the desire of the Nation, the mind of the People of *England*, and the wishes of the City; for those of their Tribe, though not the 40th part of the City, Nation, or People, yet they took upon them these great Names: And this Arrogant Usurpation of making themselves the Representatives of the good People of *England*, was a vanity which was inseparable to the Party, and which we shall find them making Use of upon all occasions.

The House of Commons thereupon fell briskly upon the Plea and Demurrer of the Bishops, which was read twice, and then it was

*Resolved, &c.*

*That this Plea and Demurrer of the Bishops is Dilatory and insufficient.*

This Vote seems to be given at all adventure, for after the Vote, a Committee was appointed to consider of the Plea and Demurrer, and to present their Opinion, what they think fit to be done upon it; and after some time, Serjeant *Wild* Reported, *That after a long Debate in the Committee, and variety of Opinions, they came at last to this Conclusion, That this Plea and Demurrer is Dilatory and insufficient*: just as the House had Voted before, and without shewing any Reasons why; but that these 12 Bishops have made no Answer, and therefore to desire the Lords, That they may put in a peremptory Answer, such as they will stand unto.

There is not the meanest Freeholder in *England*, but by the Common Law of *England*, ought to have had the Liberty to have a Demurrer argued; and unless it could be over-ruled by sound Reason and Law, it must have been allowed a good Plea: and yet these venerable Men, who had all the security that the *Magna Charta*, the Common and Statute Law could afford them, for their Right of Peerage, and Voting in Parliament; could not be allowed that Common Right, but without the least shadow or Error in the Plea and Demurrer assigned, must be obliged to give another Answer: This was the Justice of those Men and Times.

But it was no wonder to see them violate the Laws of Reason, Religion and their own Nation; for even the Law of Nations, as you have seen before in the *Venetian* Ambassador's Case, whose Letters were opened at their Instance and Direction, was not able to preserve its Sacred Power. For a Complaint was brought to the Commons House by Segnior *Amerigo*, the Agent of the Duke of *Florence*, that under pretence of searching for Priests, his House was broken open, by Persons who shewed their Authority for it: And hereupon even shame, lest Foreign Nations should withdraw all Commerce and Correspondence from them who violate the Common Law of all Nations, obliged them to appoint a Committee, *To consider of the Outrages* (these are the words of their own Journal) *offered to Segnior Amerigo Agent to the Duke*

Novemb.

1641.

The Bishops  
Plea and De-  
murrer, voted  
Dilatory.

The Agent of  
*Florence* out-  
raged.

of



Novemb.

1641.

Monday,  
Novemb. 15.

of Florence, and likewise to consider of the Abuses of those Men, that are employed by this House for apprehending of Priests; and they are to consider of some fit way of Reparation, to be made to Signior Amerigo, and to present them to the House.

This day a Petition of the City of London was read, Touching the abuse of many Protections, which was to the stopping of Trade, &c. but because the Petition was too General, it was agreed it should be delivered back again to be mended, and then their Lordships will consider further of it.

A Message was sent from the House of Commons to desire, That the Examinations taken by the Lords Committees concerning the Plot of the Army, may be sent down to the House of Commons, to be made use of. The Examinations were delivered, Sealed to the Clerk of the Parliament, and it was Debated, Whether they should be openly read in the Lords House, before they were sent down, and upon the Question it was Resolved, That they should; and thereupon they were opened, and read accordingly.

They had now a Necessity to revive the Business of the Design of bringing up the Army, that by the Assistance of that, which they made a mighty Plot, they might inforce the great Necessity of the King's parting with all his Friends in Power and Trust, under the Notion of Evil Counsellors; with which Debate, the House of Commons was in a manner now wholly taken up: but sure they were the most Fortunate Persons in the World, to be upon all Occasions furnished with the discovery of fresh Plots, to carry on their Designs, and give them countenance among the Amazed and Affrighted People; and one lies under the Temptation of believing, that they were the Contrivances of the Faction, rather than Realities, when it is observed how luckily the Discoveries happened to fall in with their other Designs. For in the very nick of time, when they were at a dead-list, to get the House of Lords purged of the Popish, and Popishly Affected Lords and Bishops, up starts one Beal a Taylor, and Discovers a mighty Plot. For this Day a Message was brought from the House of Commons by John Hampden Esq; to let their Lordships know, That this Day there came a Man to the Door of the House of Commons, and sent in Word, That he had Matters of a high Nature to reveal, concerning some Lords and Members of the House of Commons; Upon this the House sent forth some Members to speak with the Man, who acquainting the House with some Discourse they had with him, the Commons sent for him in, who beginning to relate the Business, the House of Commons would not suffer him to name any Person, lest the Parties hearing of it, should Fly. And because it concerned some Peers of this House, the House of Commons have sent the Man, who is now at the Door, ready to be Examined openly, or in what manner else their Lordships in their Wisdom shall think fit.

Then Thomas Beal a Taylor dwelling in White-Cross Street, was called in and made a Relation of the whole Matter, with all the Circumstances, which was as follows.

That this day at Twelve of the Clock, he went into the Fields near unto the Post-House, and walking on a private Bank, he heard some talking, but did not see them at first, but finding them by the Voice, he coming within hearing of them, understood they talked of State Affairs: and going nearer them, he heard one of them say, that it was a wicked thing that

Beal's Plot.

Beal's Narrative before the Lords.



that the last Plot did not take, but if this goes on, as is in Hand and intended, they shall be all made. And also heard them say, That there was 108 Men appointed, to kill 108 Persons of the Parliament, every One his Man, some were Lords, and the others were to be Members of the House of Commons, all Puritans; and the Sacrament was to be Administred to the 108 Men for performing of this; and those that killed the Lords were to have 10 l. and those that were to kill the Members of the House of Commons 40 s. That Gorges being the 37th Man, had taken the Sacrament on Saturday, to kill one of the House of Commons, and had received 40 s.

Novemb.  
1641.

Very notable  
Rewards.

That one Phillips coming to London on Sunday Night late, was charged to be at my Lord's Chamber, where was only my Lord, Father Jones, and Father Andrews; he also had his Charge and five more with him, he being the 108 man, and the last as he thought.

That Phillips had been in Warwick-shire and in Buckingham-shire with Letters, and that he delivered Letters to Mr. Sheldon, who gave him his Dinner, and a Piece for his Pains, charging him to make haste to London again, and giving him Letters to deliver to my Lord.

That Dick Jones was appointed to kill that Rascally Puritan Pym, and that 4 Tradesmen were to kill the Puritan Citizens which were Parliament men.

That on the same day being the 18th of this Month, when the City shall be in a Tumult, there shall be Risings in Six several Parts of this Land by the Papists, viz. in Warwick-shire, Worcester-shire, Buckingham-shire, Lancashire, and Two other Places which he remembers not.

That those that were to kill the Lords were brave Gallants in their Scarlet Coats, and had received every man 10 l. a piece, and when that was gone, they might come and fetch more.

That this was to be done either coming down Stairs, or taking their Coaches, or entring into their Lodgings, or any other way as they should see opportunity.

That although all were not killed, yet the Tumult would be so great, that it would prevent sending to Ireland, and that was Father Andrews his Wit, to prevent sending thither; because if they prevailed there, they should not have Cause to fear here.

This Relation being made, Beal was commanded to withdraw, and the House took into serious Consideration, what Course was fit to be speedily taken in this Business. And the House being informed, That there is one Father Brown a Priest in the Gate-House, who is a likely Man to give Information and Descriptions of Jones and Andrews mentioned by Beal, the Lord Chief Justice of the Common-Pleas, and Mr. Justice Reeves were appointed to go presently to the Gate-House, to take his Examinations.

It was also Ordered, That the Justices of the Peace, of the City and Liberties of Westminster, the Justices of Peace for the County of Middlesex, and the Lord Mayor and Sheriffs of London, do presently make speedy and privy Search this Night for Father Jones, and Father Andrews Priests, and for all other Seminary Priests and Jesuits, and to cause them to be forthwith Taken and Apprehended, and put into safe Custody, until the further Pleasure of this House be known, and that their Names be returned to this House; and that any Man that shall discover any Popish Priest or Jesuit, and procure them to be Apprehended, shall be rewarded by the Parliament.

Order to Apprehend  
Priests and  
Jesuits.



Novemb.

1641.

Order to seize  
the two Mr.  
Sheldons upon  
Beal's Disco-  
very.

It was further Ordered, *That the Gentleman Usher attending this House, or his Deputy, shall repair unto Edward Sheldon Esquire the Elder, and Edward Sheldon the Younger his Son, and bring them unto the Lords in Parliament, with a safe and Strong Guard upon them, if there shall be Cause; and that the Sheriff of the County, wherein the said Mr. Sheldons now Reside, shall Aid and Assist the said Gentleman Usher, or his Deputies, for the safe bringing up of the said Mr. Sheldons to the House, if the said Gentleman Usher, or his Deputies shall desire it. And that the said Gentleman Usher, or his Deputies, shall call in two of the next Justices of the Peace, and Seal up their Study Doors, and make search for Priests and Jesuits, and bring them up, that they may be Proceeded against as this House shall direct.*

Ordered, *That Mr. William Sheldon now in Town, be forth-coming at such time, as this House shall send for him; and in the mean time, his Study to be sealed until further Order.*

Ordered, *That all Lords Recusants being Members of this House, and Peers of Parliament, being now in Town, shall come to this House on Tuesday the 16th of this Instant November, by Nine of the Clock in the Morning.*

Ordered, *That strict and near Search shall be made, with all possible Speed in all Parts, in and about the City of London, and the Liberties thereof, for one called or known by the Name of Richard Jones, who being Apprehended, shall be forthwith brought before the House.*

And it was also Ordered, *That the Deputy Lieutenants of the Counties of Worcester, Lancashire, Warwick-shire, and Buckingham-shire, have a Charge to secure the said Counties.*

The Lord Chief Justice of the Common-Pleas, Reported, *That he hath Examined Father Brown, whether he knows any such Men, as Father Jones, and Father Andrews, and his Answer is, he knows no such.*

In the Commons House, a Committee was appointed to prepare a Draught of an Ordinance of Parliament, for the putting the Trained-Bands into a readiness, and posture of Defence upon all Occasions, and likewise for securing the Persons of the Prime Papists, and the Knights, Citizens, and Burgeses to bring in Lists of the Prime Papists in their several Counties, and to present a List of their Names to the House.

It was this Day Ordered, *That Mr. Arthur Trever shall be Assigned to be of Council with the Lords the Bishops that are Impeached.*

It was moved, *That least the Merchants at Venice, may suffer for the opening of the Venetian Ambassador's Letters here, that a Committee might be appointed to consider of some Dispatch to be sent to the King's Agent at Venice, to let him know what Satisfaction hath been given by the House of Lords to the Ambassador here; that so he may be the better enabled and Instructed how to apply himself to the State, there to give them Satisfaction. And the same Lords that went to the Ambassador, were appointed to do it.*

Then the Lord Privy Seal reported the last Conference, *That the Commons had given in a List of the Prime Papists, Nobility, Knights and Gentlemen, in the Counties of Warwick, Southampton, Dorset, Worcester, Bucks, Lancaster, Pembroke, and Stafford; which they desired might be secured for the Safety of the Kingdom in this time of Danger.*

Then was read an Ordinance, which the Commons desired the Lords to joyn with them in, which was as followeth.

Tuesday,  
Novemb. 16.  
Mr. Trever of  
Council for  
the Bishops.  
Order for Se-  
curity of the  
Merchants at  
Venice.



**T**He Lords and Commons Assembled in Parliament, having received Informations of dangerous Designs and Practises, by Priests and Jesuits and Ill-Affected Persons, to disturb the Peace of this State, and the Proceedings of Parliament, and to attempt upon the Persons of many of the Members of both Houses. And well knowing, That there is no way to prevent the Mischief, which the Malice of such Men may suddainly bring upon the Realm, to the utter Subversion of our Religion, Laws, and Liberties, but by putting the Kingdom into a Posture of Defence, and so to be ready upon all Occasions, to oppose Force to Force. They the Lords and Commons have thought fit to Appoint and Ordain, and do hereby Appoint and Ordain the Earl of Essex, to have the Trained Bains of the several Counties in readines; and do hereby give him Power, to command them whensoever there shall be need to March and Gather themselves into a Body, and to oppose, and set upon all those, who shall attempt, or do any thing, which may be prejudicial to the Publick Peace, or Dangerous to the Parliament in General, or to any of the Members of Parliament in particular; and they the said Lord and Commons, do likewise hereby, and injoyn all the Trained-Bands of the several Counties, and every particular Person, who is Officer or Soldier of the Trained-Bands to be obedient to the Commands of the said Earl, as they will Answer the contrary at their Perils.

A Message was brought from the House of Commons by Sir William Armyne Baronet, to desire a free Conference by a Committee of both Houses, touching the safety of the Kingdom. At which the Commons acquainted their Lordships, That they have discovered some things further concerning the Plot which was related by Beal; for upon Examination they are informed, That there are two such Priests as Father Jones, and Father Andrews; Jones they understand is here in Town, at the Earl of Worcester's House; and Andrews is described to be near 50 Years of Age, and uses to come much to Sir Basil Brook's House: And they let their Lordships know, That the House of Commons have caused a Guard to be set about the Earl of Worcester's House; and have Ordered, That his House shall be searched; but because he is a Peer of this House, they have first acquainted their Lordships therewith. This Information was given to the Commons by one Mr. Wadsworth.

The House of Commons further thinks fit, that a Declaration be made, That whosoever of the 108 Men designed to do this mischief, shall come in and discover the same, both Houses will be humble Suitors to the King; that they may be Pardoned, and they shall be well Rewarded.

They also desired, That the Lords would be pleased to joyn with them in the Ordinance concerning the Earl of Essex; and the like Ordinance they desire may be for the Earl of Holland, that he may Command the Trained Bands on the North side the Trent; and that they may Nominate particular Men of Trust in every County, to take care of the Militia, that the People may know whom to resort unto.

That the Isle of Wight may be secured, by sequestering it into another hand for the present.

That the Forts and Castles of this Kingdom may be secured.

Lastly, That search may be made in the City, and the Liberties for all Priests and Jesuits, and for all suspected Persons; and that their Names and Conditions may be delivered in to the Parliament.

Novemb.

1641.

An Ordinance  
Issued out upon  
Beal's Information.

A further Account  
at a Conference  
of Beal's Plot.



Novemb.

1641.

Information  
of dangers in  
Lancashire.Wall commit-  
ted to the  
Fleet for dis-  
obeying the  
Order of the  
House.Conference  
about the L.  
Strange's Let-  
ter.The Lords  
Answers.

Hereupon it was Ordered, *That James Maxwell Esq; Gentleman Usher to the Lords, should joyn with any such as the House of Commons shall appoint, and imploy for the Searching of the Earl of Worcester's house, and any other Recusants houses, being the King's Subjects, for the apprehending and taking of any Romish Priests and Jesuits whatsoever.*

It was also moved from the Committee of the House of Commons, *That Monsieur St. German, and Peter de Chair may be Sworn, and afterwards Examined by the deputed Lords. And it was Declared, That any Peer of this House may be present at the said Examination if he please.*

To swell the Tide of Fears and Dangers, the Lord Wharton informed the House, *That he had received a Letter from the Lord Strange, Lord Lieutenant of Lancashire, which had some particulars in it fit for this House to know: The Letter was read, wherein it was said, That his Lordship was upon his Guard; that some in that County were stronger than he; and that if ever need was to look to Lancashire in our time, it was now. Upon which the Lord Wharton was commanded to give thanks from the House to the Lord Strange, for his timely Information of the danger of that County.*

Thomas Wall, one of the Door-keepers of the House, being called in, to give an account of the delivery of the Order to the Justices of Middlesex and London, for the searching for Priests and Jesuits last night; confessed, *That he did not deliver them the last night, but early this morning: for which neglect of his, in a matter of that Consequence, he was committed to the Fleet, until the pleasure of the House be further known, and never to attend upon the House any longer.*

The Lord Strange's Letter being sent to the Commons, they desired a Conference, which the Lord Keeper Reported to this Effect, *That they give their Lordships thanks for Communicating to them the Lord Strange's Letter; by which, and other Relations from Members of their House, they hold that there may be just causes of those fears.*

(1.) *They therefore desire their Lordships Expedition of the Ordinance concerning the Earls of Essex and Holland.*

(2.) *An Answer concerning the securing the Persons of Recusants.*

(3.) *Concerning the Government of the Isle of Wight, and the fortifying the Forts of the Kingdom.*

(4.) *That the Magazines in the County of Montgomery may be Sequestered into other hands, for better security, they being now in the hands of a Servant of a great Recusant.*

(5.) *That Milford Haven may be fortified.*

(6.) *That Sir Simon Harcourt may have a Commission to levy Soldiers for the Service of Ireland, and that Thursday next may be the longest time of his stay here.*

To these particulars the Lords gave these Resolutions.

(1.) *To the first, The House will Debate the Ordinance about the Earls of Essex and Holland to Morrow Morning.*

(2.) *To the securing of the Persons of Recusants agreed.*

(3.) *Touching the sequestering of the Isle of Wight into another hand, their Lordships will take the same into consideration, when the House of Com-*



Commons present their Reasons why it should be taken out of the hand where it is now.

Novemb.

1641.

To the Forts, they have formerly given in an account of the state of them, and of the Charge which will be requisite to repair them, and that the Money must proceed from them.

(4.) To the fourth, Agreed to.

(5.) To the Fifth, This House thinks it fit, that Milford Haven be secured by appointing some Ships to ride in the Haven.

(6.) To the Sixth, The Lord Lieutenant of Ireland is to bring the Commission to Morrow Morning, which he is to give to Sir Simon Harcourt, for levying Men for the Service of Ireland.

This being done, the Lord Keeper was appointed to acquaint the Commons, who stayed in the Painted Chamber, with the aforesaid Answers to their Propositions.

Mr. Maxwell the Gentleman-Usher, gave this House an account, That according to their Lordships Order, he had searched diligently the Earl of Worcester's House for Priests and Jesuits, but can find none.

Mr. Maxwell upon search finds no Priests.

In the Commons House they were taken up with this new Plot, and preparing Heads for the forementioned Conference. And, which is omitted in the Lords Journal, it was desired, That the Information which Beal hath given, may be published.

It was also Ordered, That St. German, the French-man, be committed to the Prison of the Gate-house, and that no Man be suffered to speak with him, but in the presence and hearing of a Keeper.

St. German committed to the Gate-house.

They were still busie in Hammering and Filing of the Remonstrance of the State of the Kingdom, as appears by this Memorandum.

Memorandum, That an Addition be made to the Declaration to this purpose, to declare, That this House intends to vindicate themselves from the Imputations laid upon them of discouraging of Learning, and that they will advance Learning, and the maintenance of Preaching Ministers.

They were very tender it seems of their Reputation, but notwithstanding their Declaration, it will remain an Eternal Riddle to Posterity, how it can be possible to incourage Learning, by taking away the Rewards of Industry. And for their maintaining of Preaching Ministers, they were as good as their Word indeed, by suffering all that would to Preach, and maintaining them in their Sacrilegious Usurpations upon the Sacred Function.

Report was made this day by the Lords Committees for the Irish Affairs, That the Committees of both Houses for that business, have considered of these particulars.

Wednesday. Novemb. 17.

That Power be given to the Lord Lieutenant of Ireland, for rewarding of secret services as is fit.

Irish Affairs.

That convenient Posts be speedily set up between Beaumaris and Holy-Head; And that the State of Scotland be moved to have the like care for Posts between Carlisle and Port-Patrick.

That Directions be sent by both Houses of Parliament to the Lords Justices of Ireland, concerning the Prisoners Mac-Guire, and Mac-Mahon, to be Conveyed into England, for their better security.

That



Novemb.

1641.

Message to the  
Foreign Am-  
bassadors con-  
cerning Jones  
and Andrews.

*That the Protestation taken by both Houses, be taken by all Officers and Commanders, before they be employed in the service of Ireland, which Propositions being read, were Assented to.*

*It was Ordered, That the Right Honourable the Earl of Bristol, the Earl of Holland, and the Lord Brook shall forthwith Repair unto the several Ambassadors, in and about the Cities of London and Westminster, and desire them from the Parliament to dismiss out of their Houses, such Priests as are the Kings Native Subjects, and in case they shall be hereafter found abroad, they shall not have any Protection, but be Proceeded against according to the Laws of the Kingdom; and to let them know, That if the Persons of Father Jones and Father Andrews, who were Accused for Treason, be received into their Houses, the Parliament desires they may be presently delivered up.*

Lord Lieu-  
tenant scruples  
the Validity of  
the Ordinance  
to Levy Men,  
without the  
Great Seal.

*Upon some Question made this day by the Lord Lieutenant of Ireland, whether the Ordinance of Parliament for the granting him Power to give Commissions to Levy men for the Service of Ireland, be of sufficient Validity without a Confirmation from His Majesty; Thereupon the House did undertake to be Suitors to his Majesty, to confirm the Authority given to his Lordship by the King and the Parliament, under the Great Seal of England; And do Promise, That they will be always ready to avow his Proceedings upon their Lordships aforesaid Orders in the mean time.*

*The Lord Lieutenant delivered a Copy of a Commission to be given to Commanders, for the Levying of Men for Ireland, which was Read and Approved of; the Contents were as follow.*

Copy of a  
Commission  
to Raise Men  
for Ireland.

*Robert Earl of Leicester, Viscount Lisle, Baron of Penhurst, &c. One of His Majestie's Most Honourable Privy-Council, Lieutenant General of the Kingdom of Ireland, and General of His Majestie's Army there. To———Collonel———*

**W***Hereas the Lords Justices and Council of Ireland, have advertised our Sovereign Lord King Charles, and his High Court of Parliament now here Assembled, of a suddain Insurrection, and Rebellion in Ireland, and have Humbly besought His Majesty to send some Succours unto his good Subjects there; And his Majesty being now Absent in his Kingdom of Scotland, hath recommended the Care of the said Kingdom of Ireland, unto his Parliament of England; and that in pursuit of his Majestie's Pleasure so signified, for as much as in this time of His Majestie's Absence, his Royal Commission according to the usual form, cannot be so soon obtained as the necessity of the Kingdom doth require; The Lords and Commons of the said Parliament now Assembled, have by their Ordinance of the 6th of this present Month of November, Authorized me by Warrant under my Hand and Seal, to give one or more Commissions to such Captains, Commanders or other Officers, as to me shall seem expedient for the Levying of Forces, for the Defence of the said Kingdom of Ireland, of such Persons as shall voluntarily undertake the said Service; I do hereby Constitute and Appoint you Collonel of a Regiment of Foot-men, to serve in this present Expedition; which Regiment, you shall by Virtue of this Commission forthwith Levy in such parts of His Majestie's Kingdom of England, as you shall think fit for His Majestie's Service in this urgent occasion: And this Regiment being Levied, you shall receive it into your Charge as Collonel, and conduct it to*  
the



*the City of Chester, where you shall Embarque it, and Transport it, with all possible speed, unto the City of Dublin, in His Majesties Kingdom of Ireland, and diligently Exercise your Regiment, Commanding all Officers and Soldiers of the said Regiment, to obey you as their Collonel, for His Majestie's Service, according to the Commission given you; And you are likewise to observe and obey such Orders and Directions, as you shall receive from myself, and the superior Officers of the Army, according to the Discipline of War. Given &c.*

Novemb.

I 6 4 I.

After which the House entred upon the Debate of the Ordinance, for Enabling the Earl of *Essex* and *Holland* to raise the Trained-Bands; And after a long Debate it was Assented to with some little Alterations, and so sent down to the Commons.

Ordinance to raise the Train Bands Assented to by the Lords.

It was this day Ordered, *That the Justices of Peace, and Deputy-Lieutenants, and all other His Majestie's Officers and Ministers, in every County, shall take Care to put the Laws in Execution against those Recusants, That do not observe and obey the Order of this House made the 16th of this Instant November. The Order was to Command them to depart from London, to their several Places of abode in their respective Countries.*

Order to put the Laws in Execution against Recusants.

Mr. *Wiseman* the Remembrancer of the City of *London*, gave the House an Account, *That there hath been a search made in London, for Priests and Jesuits, and they could find none; but have Apprehended four Persons who refuse to take the Oaths of Allegiance and Supremacy; Whereupon it was Ordered, That the Recorder of the City of the said City, shall Proceed against those Persons according to Law.*

No Priests to be found in the City.

In the House of Commons, they fell upon the Business of the Plot of the Army; and the several Examinations being read, which were taken by the Deputed Lords, were transmitted to the Commons.

Commons Vote a second Plot of the Army.

The Examinations were Mr. *Daniel O Neal's* taken November 13. Sir *Jacob Assteleys* Examination, Sir *John Conyer's* his Examination, Sir *Charles Lucas* his Examination, October 29. A Second Examination of Sir *John Conyer's* which was taken October 30, which was twice read, as was also that of Captain *William Legg*, taken the same day. The Examination of Sir *Foulk Huncks* taken 29 of October, upon which the House proceeded to this Vote.

*Resolved, &c.*

*That upon the Examinations now read, there is sufficient Evidence for this House to believe, That there was a second Design to bring up the Army against the Parliament, and an Intention to make the Scotch Army stand as Neutrals.*

It was Ordered, *That Sir John Hippsley, and Sir John Franklyn, shall appoint some Guards with Halberts to stand in places most convenient for the safety of this place.*

It was also Ordered, *That Mr. Oneal shall be allowed 5 l. per Week out of the Arrears of his pay from the time of his Committment, for his present maintenance.*

*That Sir Simon Harcourt shall have 20 s. per diem above his ordinary pay, as Commander of the Forces in Dublin; and that 457. 6. 8. being a months pay, shall be advanced for his Officers; and 101 l. for providing of Halberts, Ensigns and Partisans.*

Orders



Novemb.

1641.

Thursday,  
Novemb. 18.The Commons  
Reasons for  
securing Po-  
pish Recusants.

Orders were also issued from this House to the Sergeant at Arms, attending the House, to search for Priests and Jesuits; as also to the Lord Mayor and Sheriffs of London, to search diligently in the City this night.

The Lord Keeper did this day Report the Conference with the Commons, *That the House of Commons were of Opinion, That there was reason enough for the Lords to joyn with them, for securing the Persons of Popish Recusants; and that they were not satisfied with their Lordships Answer at this time, touching that business.*

(1.) *Because they conceive the Popish Recusants are of as much danger, in the Country among their Friends and Neighbours of their Religion, as they are here at this time, especially when they have liberty to go abroad.*

(2.) *That the Penalty is only against Convicted Recusants, and the House of Commons desires it may be against Suspected Persons, and Favourers of Recusants.*

(3.) *It would ask too much time to stay for the putting of the Laws in Execution at this time; therefore the House of Commons desired that they may be secured by Imprisoning of their Persons; and that for these Reasons.*

(1.) *They always take security against the breach of the Peace, if it concern only a private Person; this is concerning the security of the whole Kingdom, none is so fitting to be given as the Imprisonment of their Persons.*

(2) *That at this time they had reason to suspect the Papists, and to secure them upon these Grounds.*

(1) *The Tye that lies upon their Consciences to secure the Kingdom when it is in so much danger.*

(2) *Considering the Rebellion now in Ireland, for the Cause of Religion.*

(3) *Considering the Informations and Relations from sundry Parts, of the danger of Recusants here, and the Correspondency is conceived they have with the Business in Ireland.*

(4) *Considering both Houses had joyned by Ordinance to disarm Recusants according to Law.*

*This the House of Commons said had been done formerly upon Suspition of Danger, as in 88.*

The House of Commons intend this should extend to the most Chief and Active Recusants of the greatest Quality and Danger, a List of such Names as they desire may be secured, they will bring up very speedily, and they intend they should be as Hostages for the Peace and Security of the Kingdom, no hurt being meant to their Persons. If this were not done, the House of Commons said, *They could not Answer for the Safety of the Kingdom.*

Next was reported the Reasons of the Commons, why they desired that the Government of the Isle of Wight, being of so great Importance to this Kingdom, may be Sequestred for the present into another Hand.

Because



*Because the Earl of Portland's Father, Mother and Wife, were, and are Recusants, and that a Sister of his married a Recusant, and if these Reasons did not satisfy their Lordships, they desired Liberty to bring up other Reasons hereafter, as they shall think fit.*

The Lords Adjourned their House into a Committee during pleasure, to Debate these Matters, the Proposition concerning securing Recusants, was deferred till the Commons brought up a List of the Particular Names of the Recusants, they desired should be Secured.

When the other Proposition about the Isle of *Wight* came under Consideration, the Earl of *Portland* affirmed, *That his Father lived and died a Protestant, as he can make it appear by credible Witnesses, that were with him when he died; if his Wife be one, it was against his Will; and for himself, his Lordship protested, That his Father bred him a Protestant, and he would ever live and die one:* Which giving good satisfaction to the House, it was Ordered to be put in Writing, and delivered at a Conference to the House of Commons.

Mr. *William Crofts* was Sworn, and Ordered to be Examined before the Deputed Lords.

The Earl of *Holland* Reported, *That the Venetian Ambassador had been with him, and desired, That the ill Expressions in his Paper may be Excused, for he professes he meant nothing in derogation of any Member of this House, but spoke it, as what Reputation other States had of such an Action; and that he further signified, That he hath written a fair Letter to the State of Venice, concerning the opening of his Letters, which he hopes will satisfie them.*

This day *Wall*, upon his Petition, was Released from the *Fleet*, where he had been committed for neglecting to deliver the Order of the House to search for Priests and Jesuits, but with this condition, not to be admitted any more to the Service of the House.

It was Ordered in the Commons House, *That the Knights and Burgeses of the County of Kent, and the Barons of the Cinque-Ports do forthwith send to the Officers that do register the Horses that are Transported beyond the Seas, and to send up a List of the Number of them that have been Transported within these 12 Months, and by what Warrant, and by whom such Warrants were obtained.*

Though Disloyalty to the King, and Disobedience to the Church, which rarely are seen asunder, began now to be much in Fashion, and Esteem, and to depress the Prerogative, and oppress the Church, were accounted Great Recommendations for men to set up for Patriots of the Country, and Reformers of Religion, yet wanted there not some Brave Spirits who to their Eternal Reputation, darest even in the face of the Breach indeavour to stop the Deluge of Schism and the Inundations of Errors, which they apparently saw must overwhelm the Church upon throwing down the Banks of Episcopal Order and Government. How Unwelcom these bold Truths were to the Faction, appears by an Order of the House of Commons of this Day made purposely to discountenance Petitions of this Nature, for maintaining the Church Government as by Law it was Established; and to deterr others from attempting to give them any Interruption in their pretended Reformation.

Ordered, *That it be referred to the Committee for the Ministers Remonstrance, to consider what indiscreet and irregular Wayes and Means*

Novem.

I 6 4 I.

The Commons Reasons for removing the E. of *Portland* from the Government of the Isle of *Wight*.  
The E. of *Portland*'s defence.

Message from the Venetian Ambassador.

*Wall* released.

Inquiry after the transporting of Horses.

Order to discourage Petitioners for Episcopacy.



Novemb.

1641.

*have been Used to procure Hands to Petitions presented or to be presented for, or against Episcopacy.*

This latter clause, *or against*, was only for colour to make the other pass more fairly ; for it is Evident, that they themselves were the Great Promoters of Petitions, not only against that, but for whatever they had a design to obtain, as will hereafter upon occasion appear.

But upon this Occasion I cannot but present the Reader with a Petition, which I find in a Collection of Petitions of the like Nature, Printed by His Majesties particular Order, which though it came from one of the smallest Counties of *England*, yet had not the least Learning or Reason ; And if it received neither Countenance, nor Answer, it is not much to be wondred at, being indeed Unanswerable. The Petition was as follows.

## To the High and Honorable Court of Parliament.

*The Humble Petition of the Knights, Esquires, Gentlemen and Householders in the County of Rutland, in behalf of our Selves and our Families. And of the Parsons, Vicars, and Curates for the Clergy, in behalf of themselves and their Families.*

The Rutland-Shire Petition for Episcopacy, Nov. 18. 1641.

“ **T**hat whereas there have been diverse Petitions exhibited to this  
 “ Honorable Court, by Persons disaffected to the present Govern-  
 “ ment, for the utter Extirpation of the Apostolical Government of the  
 “ Church by Bishops, they by Sedulity and Zeal supplying the want  
 “ of fair Pretences, for the Abolition of that, which we hope no just  
 “ Reason can Condemn: And on the other side, many Pious Persons,  
 “ true Sons of the Church of *England*, have represented their just De-  
 “ sires of the continuance of it, upon great and weighty Causes, both in  
 “ Divinity and true Policy ; We also, lest We might seem unconcerned,  
 “ and for fear lest our Silence should be exacted as a Crime at our  
 “ Hands, if We be deficient, to what We are persuaded, is the Cause of  
 “ God ; In pursuance of their pious Intendments, and in allowance of  
 “ their Reasons, do also press to your great Tribunal, to beg of you to  
 “ do that, which is the Honor of Kings, to be *Nutricii* of the Church,  
 “ and her most Ancient and Successive Government.

“ We therefore humbly beg of you, to leave us in that state the Apo-  
 “ stles left the Church in ; That, the Three Ages of Martyrs were  
 “ governed by ; That, the 13 Ages since them have always gloried  
 “ in, by their Succession of Bishops from the Apostles, proving  
 “ themselves members of the Catholique and Apostolick Church ;  
 “ That, our Laws have Established, so many Kings and Parliaments  
 “ have protected, into which we were baptized ; as certainly Apo-  
 “ stolical as the Observation of the Lords Day ; as the distinction  
 “ of Books Apocryphal from Canonical ; as that such Books were  
 “ written by such Evangelists and Apostles ; as the Consecration of  
 “ the Eucharist by Presbyters ; as any thing ; which you will do  
 “ by upholding the Government of the Church by Bishops, which  
 “ we again and again beg of you to do, having Pity on our Con-  
 “ sciences, and not forcing us to seek Communion as yet we know  
 “ not where. So shall we be bound to pray with a Multiplied  
 “ Devotion



“ Devotion for the increase of Publique and Personal Blessings to  
“ your Honorable Assembly, to your Noble Persons.

Novem.

I 641.

“ We also do with all humility beg leave to represent these our Con-  
“ siderations subjoyned, which we hope you will favourably Expound,  
“ to be a well-meant Zeal, and at least a Conscience of Duty and Charity  
“ to those our Fathers, from whom we have received, and daily hope to  
“ receive many issues of Spiritual Benedictions.

(1.) We Consider, That Christ, either left his Church without a lasting Government, or else Bishops, and Presbyters under them, are that Government: the former we fear to say, lest we might seem to accuse the Wisdom of the Father of Improvidence, in the not providing for his Family; the Feeder and the Ruler in Scripture being all one in Office, in Expression, in Person: So that if he left no Rulers, he left no Feeders; the later, We are more confident of, for that Christ did clearly institute a Disparity in the Clergy, which is the main Stone of Offence, appears in the Apostles and 72 Disciples, to whom, according to the Voice of Christendome, and traditive Interpretation of the Church, Bishops and Presbyters, do respectively Succeed; and also many Actually did succeed the Apostles in their Chairs, being ordained Bishops by the Apostles themselves, that did Survive; And also beyond all Exception, that Christ did institute a Government appears in those Evangelical Words ( Who then is that faithful and wise Steward, whom his Lord shall make Ruler over his Houthold, &c. Luke 12. 42. ) which Rulers, are Bishops and Priests under them. or else the Church hath been Apostate from her Lord, She having clearly for 1500 Tears had no other Rulers then such.

(2.) We consider that, Whether there can be a Church, or no, without Bishops, is at least, a Question of great Consideration; and the Negative is maintained by Apostolical and Primitive Men and Martyrs, and by the greatest part of Christendom; and those few, in respect of the whole, that Dissent, being most certainly not Infallible; to be sure with Episcopacy, it may be a Church Eatenus, therefore it is the surest Course to retain it, for fear we separate from the Church, the Pillar and Ground of Truth.

(3.) No Ordination was ever without a Bishop, and if any Presbyter did impose Hands, unless in Conjunction with a Bishop, he was accounted an Usurper and Anathematized, by publick and unquestioned Authority; and so without Bishops, no Presbyters, then no Absolution, no Consecration of the Sacrament of the Lord's Supper, and for these Wants, no Man can make a Recompence or Satisfaction.

(4.) No Presbyter did ever impose Hands on a Bishop, which if so famous a Resolve, or publick Voice of all Christendom, may have an Estimate, shews their disparity, and that a Bishop hath a Character which cannot be imprinted without at least an equal Hand.

(5.) Without Bishops, no Confirmation of Children, and yet Confirmation, called in Scripture imposition of Hands, Saint Paul in his famous Catechism, accounts a Fundamental Point, and the Church hath always used it; and it was appropriate to Bishops, by the laudable Custom of Christendom, and by the Example of the Apostles, in the Case of the Samaritane Christians, whom Philip the Evangelist had Converted; and is charged upon the Parents of Children, that they bring their Children to Bishops to be Confirmed: And it was never otherwise, but just as in the Case of Ordination, videlicet, by singularity and Usurpation, till of late that the

Viz. de jure, nec idem de facto, till 555 Years after Christ, and then but once in the Case of Pope Pelagius and that irregularly, and never since, unless by Papal Usurpation.



Novemb.  
1641.

Jesuits to inlarge their Phylacteries, have striven to make Bishops not necessary, by communicating Confirmation to Priests of their Order.

(6.) To take away Bishops, is against the Wisdom of the State of England, ever since the Reformation, and having been attempted by Clancular Practises, was checked by the Princes respectively and their Council; and constantly by the Wisdom of preceding Parliaments, and this, although the Bishops then were less learned, and as much infamed.

(7.) We are sure, that Episcopal Government hath consisted with Monarchy, ever since the English Monarchy was Christian; and we are now to try whether any innovated Government can or will.

(8.) We consider, That if it could consist with Monarchy, when it was byassed by the Popes prevalent Incroachment, much more since the Reformation, when the King hath the Reins in his own Hand, and can give them Laws, and ascertains them by their immediate Dependance, both for their Baronies and Election, and personal Jurisdiction on the Crown, and by the Statute of Submission.

(9.) We consider, That St. Hierome pretended as the main Authentick Enemy against Episcopacy, yet sayes in Comment. in Epist. ad Titum, That Bishops were constituted, as an Antidote and Deletory, to disimprove the Issues of Schisme, and that by the Apostles, who best knew the Remedy. And now that Schismes multiply, there is more need of Bishops, so that they cannot be taken away, upon pretence their Regiment is not necessary, for the taking them away must multiply Schisms.

(10.) All Learning will be discountenanced, if not extinguished, upon the Demolition of Episcopacy, the Bishops being Partiers for the Advancement of Learning: and on the other side, if the Government should be in the Hands of Presbytery or Lay-Elders, We know no Reason sufficient to stifle our Fears, lest preferment be given to people unlearned, and unfit to have the managing of Souls, especially since a learned Clergy, will be suspected by their Lay Elders, as too knowing to be ruled by their Dictates, which will not have so much Artifice and fineness, as to command by Strength of Reason: our Fears are also increased, by considering that by the multiplication of Lay Elders or other Governors, their personal Interest being increased, partiality must be more frequent, and all this is besides their incompetency of Judging the Abilities of Scholars.

(11.) The removal of Bishops would be a Scandal, not only to many weak Christians, who fear all Innovations as guilty of some ill Intendments upon their Consciences, but also to the strongest, which skews it to be the fault of the Giver, not the Weakness of the Receiver; and if we must not Scandalize our weak Brethren, much less our Strong; since this will intrench upon us in a high measure, they not being apt to be Scandalized upon Umbraiges and Impertinences.

(12.) Where Bishops are not, there is not an Honorable, but fellow-like Clergy, against the Apostolical Rule of double Honor.

(13.) By putting down Episcopacy, We deprive our selves of those solemn Benedictions, which the Faith of Christendom, and the Profession of the Church of England, enjoyning the Bishops rather to pronounce the Blessing at the end of the Communion, appropriates to Episcopal Preheminence above Priestly Authority.

(14.) Two Parts of Three of the Reformed Churches, are governed by Bishops, or Superintendents, which is properly the Latin Word for Bishops, and the other Part that wants them, have often wished them, as their own Doctors do profess.

(15.) It



(15.) *It is against the Liberties of the Clergy, indulged to them by the Magna Charta, Granted and Confirmed by so many Kings, and about 30 Parliaments in expresse Act, and the Violation of any Part of it, by intrenchment upon the Right of the Lay Subject, justly accounted a great Grievance, the Charter it self, being as Fundamental a Law, as we conceive, as any other, and any of us may fear, lest his Liberties may be next in Question.*

(16.) *The four great General Councils in Estimation, next the four Evangelists, and by the Statutes of this Kingdom, made the Rules of Judging Heresies, were held by Bishops; the greatest Fires and Pests of Christendom, the Old Heresies, were by their Industry extinct; Church Discipline and Pious Constitutions by them Established, many Nations by them converted, many Miracles done for the Confirmation of the Christian Faith, one of the Gospels written by a Bishop (St. Mark of Alexandria) if we believe as authentick Records as any are extant; Three of the Epistles of St. Paul written to Bishops, seven Epistles by the Holy Ghost himself, recorded in the Revelation, and sent to the Seven Asian Bishops, as all ancient Fathers accord; \* the Names of twelve Men, besides Apostles, mentioned in Holy Scripture, which all Antiquity reports to have been Bishops; most of the Fathers, whose Works all Posterity embraces with much Zeal and Admiration, were Bishops; these also in our Apprehensions, advance that Holy Function to a high and unalterable Estimation.*

(17.) *Very many of the fairest Churches, and Colleges, and Places of Religion, were built by Bishops; which are fair Characters to shew their promptness to do Publick Acts of Piety, and that Persons so well qualified as they were, that is, Governors and Clergy, and fairly endowed, is an excellent Composition to advance publick Designs, for the Honor of God, in the Promotion of Publick Piety.*

(18.) *Since it hath pleased this Honorable Court of late to commend a Protestation to Us, which We by solemn Vow engaged our selves to Attest with our Lives and Fortunes, the established Doctrine of the Church of England, We consider that since the 36 Article hath approved, and established the Book of Consecration of Bishops, the Abolition of Bishops would nullifie that Article, and should We not make humble Remonstrance to the contrary, we should suddenly recede from our great and solemn Protestation, for maintenance of our Church Doctrine.*

*But may it please this Honorable Assembly, We consider on the other side:*

(19.) *The introducing of Lay Elders, must bring an insupportable Burthen to all Parishes, by maintaining them at the Parish Charge, for they must be maintained, or else a Transgression is made against the Apostolical Rule, Tim. 5. for the principal, and indeed only colourable pretended Place for Lay-Elders, enjoyns their Maintenances, so that either the People must be Oppressed with so great a Burthen, or else St. Paul's Rule not obeyed, or else there is no Authority for Lay Elders, as indeed there is not.*

(20.) *And also there can be no less fear of Usurpation, upon the Temporal Power by the Presbytery, then is pretended from Episcopacy, since that Presbytery challenges Cognisance of more Causes and Persons then the Episcopacy does, so making a dangerous Entrenchment upon the Supremacy, and derives its Pretence from Divine Institution, with more Confidence and more immediate derivation then Episcopacy, though indeed more vainly, as We conceive.*

(21.) *We crave leave also to add this, That these two viz. Episcopacy*  
and

Novemb.

1641.

\* Timotheus,  
Titus, Cle-  
mens, Linus,  
Marcus, Dyoni-  
sius, Onesimus,  
Caius, Epaphro-  
ditus, Jacobus  
Hierosolimita.  
Eudias, Ste-  
phon.



November,  
1641.

and Presbytery, being the only two in contestation, if any new Design should justle Episcopacy, we are confident, that as it hitherto wants a Name, so it will want a Face or Form of Reason, in case of Conscience, when it shall appear.

Signed by Knights, Justices, Gentry and } 800  
Free-Holders about  
By Ministers, about the Number of — 40.

Though this Number seem but small, yet the County is so too, and certainly the Reasons which they offered were great, and altogether unanswerable. But the Word of the Faction was, *Delenda est Carthago*, Root and Branch must up, though the 12 Apostles themselves had Petitioned them, and remonstrated against this Violent and Anti-Christian Enterprize, as in reality both they and all Apostolick Men, as is well urged, in this Petition, did.

Friday,  
Novemb. 19.  
Officers of the  
late Army Pe-  
tition for  
their Pay.

This day a Petition was read in the House of Lords, Presented by the Colonels and Chief Commanders in the late King's Army, shewing, *That whereas there was a Trust desired by the Parliament of the said Officers for part of their Pay, and thereupon an Act was made for their satisfaction to be given positively on the 10th of this Instant November. They therefore desire, That the Parliament may be moved to make good their Act. Whereupon it was Ordered to be propounded to the Commons at a Conference.*

The Press  
breaks loose  
against Church  
and State.

The Press now began to break loose, as indeed every thing that looked like Order, seemed to be wholly Abandoned to Libertinisme both in Church and State, for daily Complaints were made of abusive Pamphlets against both particular Persons and the Government Civil and Ecclesiastical: Complaint had been some time before made to the House, of a Libel against the Earl of Worcester, another against the French Ambassador, a third for Printing and Publishing a Book Intituled, *Leicester's Commonwealth*, upon all which the Honourable House of Lords, who had not yet ejected the Bishops and others of the Loyal Nobility had animadverted; and this Day it was Ordered, *That Lewis Hughs a Minister be sent for to attend this House, to see if he will avow the making of a Book Intituled, The Grievances and Errors of the Service-Book, and that the Company of the Stationers, do take Care to find out the Printer of the same.*

Wall restored  
to his Place.

Ordered, *That Thomas Wall shall be restored to his former Employment, about the Upper House of Parliament, which, although it is in the Gentleman Ushers disposal, yet the Lords do presume, that he will give way unto it, by reason that his Dismission from the Employment, was by Order of this House, for the neglect of his Duty to their Lordships only and the Business that concerned the House.*

The Commons were still busy with the Declaration, which having been the Work of many Daies and some Nights, the Faction watching the opportunity of a thin House, when most of the Loyal Party were tired and risen, was at last brought to that perfection, that it was Ordered to be Ingrossed.

A Motion was made for encouraging voluntary Contributions, for the Relief of the poor *English* in the Kingdom of Ireland, to which Sir John Packer presently gave 100 l.

Thursday,  
Novemb. 20.

The Lord Brooks acquainted the Lord, *That he had informed the Venetian Ambassador with the Order of this House, concerning Priests and Jesuits,*



suits, and the Ambassador saith, he hath none that are the King's Native Subjects, if he had any such, he would discharge them; as for Father Jones and Father Andrews, he saith, he knows none such.

The Petition of Robert Philips the Priest was read, Craving Pardon for having presented formerly to their Lordships, such Petitions as have not afforded expected Satisfaction, which he humbly beseecheth may not be imputed to his backwardness, but rather unto want of Experience, in forming Petitions of that Nature. And further he beseecheth their Lordships to believe, that from his Heart, he is sorry for having administred unto their Lordships, any Occasion of so high an Offence, by letting fall Words touching the Bible of the Church of England, and protesteth, that his Design was not to affront their Lordships, or the professed Religion of this Kingdom; and he did assure their Lordships, That as all Catholick Subjects have ever done, so he did neither refuse to swear upon the English Bible, nor held himself disobliged to Answer truly whatsoever was Demanded.

He therefore humbly beseecheth their Lordships to Pardon his great Offence, upon this his humble Submission and Acknowledgment, and to grant his Inlargement, assuring their Lordships he is most willing and ready, not only to depose the Truth (as by his Oath he is bound) in whatsoever shall be Interrogated in this particular Cause, but also shall ever Pray, &c.

Upon which their Lordships sent a Message to the Commons, giving them an account of this Petition, and to let them know, that having given this Satisfaction, they were inclined to Pardon him, but will not release him out of his Imprisonment, before they had acquainted them therewith, according to their Lordships former Ingagement.

Sir Henry Vane brought up a List of the Names of such Papists, as the House of Commons desired should be secured; as also an Order for the Lord Admiral to set forth 4 Ships for the Service of Ireland, in which they desired the Lords to joyn with them.

Then were read two Letters, from the Lords Justices in Ireland, dated Nov. 13th 1641. the one to the Lord Keeper, the other to the Lord Lieutenant, the Purport of which was,

That some Ships may be appointed to Guard the Coasts of Ireland, That the Rebels have taken divers Houses and Castles, That they have spoiled the County of Cavan, and have made a Remonstrance of the Ground of their Revolt.

They desire that 10000 Foot, and 1000 Horse with Arms and Munition and 100000 l. be presently sent them, with a Supply of Victuals and Oats for Horses.

And lastly, they presented an Examination of one William Shales, taken the 10th of November upon Oath, ministred by the Clerk of the Council of Ireland by Direction of the Board, which Examination was read in the House, as followeth.

William Shales, Sergeant of the Foot Company under the Command of Sir Arthur Loftus Knight, saith, That about the latter End of April last, he being then in Norfolk at Oxborough Hall in the House of Sir Henry Beddingfield, the said Sir Henry hearing that this Examinant was lately come out of Ireland, sent for him in to his Garden, whither when he came, he found the said Sir Henry walking with one Poole, (whom this Examinant supposeth was a Priest) and saith, That as soon as he came into the said Garden, the said Sir Henry asked him whether he knew how the

Novemb.

1641.

Philips the Priest Petitions to be released from the Tower.

Letters from Ireland.

Shales's Accusation of Sir Henry Beddingfield of Oxborough Hall in Norfolk.

state



Novemb.  
1641.

*state of Ireland then stood? To which the Examinant said, That he thought that all things were quiet and at Peace there. Why (quoth Sir Henry) doth the Army there do nothing! To which the Examinant Replied, That they carried themselves quietly, and that any man might walk in Ireland with a Thousand pounds and a Wand only in his hand. He saith also, That the said Sir Henry told him, That he was about to take a House in Kilkenny of one of the Butlers, for that there was no safety in England for any of his Religion; and asked of the Examinant, Whether there were any good Hawking thereabouts? To which the Examinant said That there was. Then the said Sir Henry said, That now his Mind was altered, and that he meant to stay in England; and added, That he did believe, that before Christmases Day next, there should be seen such Combuſtions in England and Ireland, as the like were never seen before; and thereupon Cursed the Scots as Authors of these Troubles.*

Jurat. Coram nobis  
Ja. Ware,  
Rob. Meredith.

William Shales.

Whereupon it was Ordered; That Sir Henry Beddingfield should be sent for in safe Custody by the Gentleman Usher of the House, and none permitted to speak with him but in the presence of the Messengers, and that his Study should be sealed up by the two next Justices of the Peace till the further Pleasure of the House be known.

Sir Thomas Barington brought up a Message from the Commons, to desire that Phillips the Priest may not be released of his Imprisonment until they be first made acquainted with it. To which the Lords assented, and appointed the Earl of Dorset the Queens Chamberlain, to give her Majesty an account of these proceedings.

Next the List of Recusants Names were read, which the House of Commons desire may be secured, which were as follows:

*In the County of Lancaster,*

|                                     |                               |
|-------------------------------------|-------------------------------|
| Mr. Preston of the Mannor.          | Mr. Robert Cranfield of Robbs |
| Mr. Clifton of Litham.              | Hall.                         |
| Mr. Chorley.                        | Sir John Talbott.             |
| Sir William Gerrard.                | Sir Cecil Trafford.           |
| Mr. James Anderton of Clayton, Sen. | Mr. Hugh Anderton of Eerton.  |
| Mr. Blundel of Crosby.              | Sir Alexander Barlow.         |

*In the County of Stafford.*

|                                 |                                   |
|---------------------------------|-----------------------------------|
| Sir Richard Fleetwood, Baronet. | Mr. Peter Gifford of Chillington. |
| Mr. Jo. Wells of Horecross.     | Mr. Tho. Leveson of Ashburn.      |
| Mr. Dreycott of Painsley.       | Mr. Francis Harcott.              |

*In the County of Southampton.*

|                              |                                |
|------------------------------|--------------------------------|
| Lord Stourton.               | Lord Baltimore.                |
| Mr. Gage of Bawbridge.       | Mr. William Owen of Abberston. |
| Mr. John Bishop of Pilewell. | John Arundell Esquire.         |

The List of the Prime Papists, who were desired to be secured by the House of Commons.



In the County of *Sussex.*

*Novemb.*

Lord Viscount *Mountague.*

1641.

In the County of *Warwick,*

*Robert Throgmorton* Esquire.

*Mr. William Sheldon* of *Weston.*

*Mr. Morgan* of *Weston.*

*Sir Charles Smith.*

In the County of *Montgomery.*

*Sir Piercy Herbert* Knight.

In the County of *Worcester.*

*The Earl of Shrewsbury.*

*Edward Sheldon* Esquire.

*Francis Hanford* Esquire.

*Mr. William Abbingdon* Jun.

*Mr. Walter Blunt.*

In the County of *Chester.*

*Mr. Poole* of *Poole.*

*Mr. Stanley.*

*Mr. Starkey* of *Darley.*

In the County of *Monmouth.*

*The Earl of Worcester.*

*Mr. Morgan* of *Llantern.*

*Sir Charles Sommerfett.*

In the County of *Pembroke.*

*Sir Nicholas Lewis.*

In the County of *Suffolk.*

*Sir Robert Rookwood.*

In the County of *Salop.*

*Thomas Unton* Esquire.

In the County of *Northumberland.*

*Roger Widdrington* Esquire.

In the County of *Northampton.*

*The Lord Brudnell.*

*Mr. Sanders.*

*Mr. Poulton.*

In the County of *Dorset.*

*John Webb* of *Cansford.*

In the County of *Lincoln.*

*Sir John Thimbleby* Knight.

*Edmond Thorold* of *Hough,* Esq;

*Ralph Evers* of *Washingborough.*

*Anthony Mounson.*

*Mr. Townley* of *Norton.*

*The Lord Harris.*

*Lord Herbert.*

*Lord Arundel* of *Wardour.*

*Sir Robert Lyme.*

*Sir Kenelm Digby.*

*Sir Basil Brook.*

*Sir John Symonds.*

*Sir Alexander Gordon.*

*Sir John Winter.*

*Sir William Mounson.*

*Sir William Mounteth.*

*Sir Henry Gifford.*



Novemb.

1641.

After which it was Ordered, That the Consideration of this List should be debated upon *Munday* following.

In the House of Commons they were still upon the great work of the Declaration of the State of the Kingdom, which was not so smoothly carried, but that it met with great Opposition even from many who before they saw that this pretended Reformation must inevitably End in Anarchy and Confusion in the Church, appeared Vigorously for it. And here I cannot omit a very Remarkable Passage, and Speech of Sir *Edward Deering's* Collection of his own Speeches; which take in his own Words.

\* This Charge, upon this occasion, was afterwards Expunged the Declaration.

“ Upon occasion of the *Remonstrance*, 19<sup>th</sup> Novemb. wherein divers passages then were, concerning Religion and the Church Government, and some in particular, as I conceived, very aspersive to our Religion in the solemn Practice of it by our publick Liturgie; \* charging it, in *Hypothesis*, with vain Repetitions, and with favour of Superstitions: I did humbly move, That some of that Committee, who framed up that *Remonstrance* for us, would please to assign what those vain Repetitions are in our Liturgy, and what passages of Superstition?

“ Nothing at all was said, as I remember, to that point of Superstition: But at length a Gentleman did adventure to name that which he seemed to think to be vain Repetition: He said, That the Lords Prayer is 8 or 9 or 10 times repeated. I did with the Leave of the House reply, That such Repetition, *toties quoties*, how oft soever, was, if heart and words did go together, far from vain. That in my Book, the Lords Prayer was but twice in the whole Morning Service, unless the additional of Baptisme, Churching, Communion, Burial, &c. did occur. That then in every several Act of Divine Service, it was once, and but once repeated, as the high compleature of all our devout Expressions.

“ That this Repetition in it self was warrantable, as by our Saviours Example, who, although he had not the Spirit by measure, yet in the Garden he prayed three times, using the same Words.

“ The further debate of this was put off till the next day, and then it did grow toward a Question, *Whether all Exceptions against the Liturgie should be totally laid by, or further debated?* I did not hold our selves the proper Judges of this point. I did think that from hence occasion might again be taken inductive to renew my Motion for a free National Synod; which I desired to enforce the best I could; Especially there being now obtained a general promise of a Synod in this very part of that Declaration or Remonstrance. Hereupon I thus adventured.

*Mr. Speaker,*

THE Question is, whether these Clauses concerning some pretended Errorous Passages in our Liturgy, shall be laid by or not. I am of Opinion to decline them here: but not to bury them in a perpetual silence.

In this very Period you give us in general terms, a promise of a National Synod: I do still wish the presence thereof; it being to my understanding the only proper Cure and Remedy for all our Church distractions; and may be proved, if proof be needful, to have been practised in the Book of God.

This promised Synod is too far off: let me have a better assurance than a promise, which that I may obtain, I will be bold to give you some reasons, to introduce that Assembly is to speed it also.

Mr.

Sir Edward Deering's Speech about the Declaration of the State of the Kingdom, Nov. 20. 1641.



Mr. Speaker, much hath been said and something attempted to be done to regulate the Exterior Part of our Religion : but Sir we bleed inwardly. Much endeavour hath been to amend the deformed Forms we were in, and to new Govern the Government : Yet, Sir, this is but the leaves of good Religion, fit, I confess notwithstanding, to be taken care of for Beauty and for Ornament. Nay some leaves are fit and necessary to be preserved for shaddow and for shelter to the Blossoms and the Fruit.

The Fruit of all is good life : which you must never expect to see, unless the Blossoms be pure and good, that is, unless your Doctrines be sound and true.

Sir, Sir I speak it with full grief of heart, whilst we are thus long Pruning and Composing of the Leaves, or rather whilst some would pluck all Leaves away, our Blossoms are blasted ; and whilst we sit here in Cure of Government and Ceremonials, we are poisoned in our Doctrinals. And at whose door will the Guilt and Sin of all this lye?

*Qui non vetat peccare cum potest, jubet.*

It is true, that this mischief grows not by our consent : and yet I know not by what unhappy fate, there is at present, such an all-daring Liberty, such a lewd licentiousness, for all Mens venting their several Sences (senceless Sences) in matter of Religion, as never was in any age, in any Nation, until this Parliament was met together.

Sir, it belongs to us, to take heed that our countenance (the countenance of this Honourable House) be not prostituted to sinister ends by bold Offenders. If it be in our power to give a remedy, a timely and a seasonable remedy, to these great and growing Evils, and that we (being also put in mind) shall neglect to do it, we then do pluck their sins upon our own heads.

*Alienum qui fert scelus, facit suum.*

Shall I be bold to give you a very few instances? one for a hundred, where-with our Pulpits do groan?

Mr. Speaker, There is a certain new-born, unseen, ignorant, dangerous, desperate way of Independency; Are we, Sir, for this Independant way? Nay (Sir) are we for the elder Brother of it, the Presbyterial Form? I have not yet heard any one Gentleman within these walls stand up and assert his thoughts here for either of these ways : and yet (Sir) we are made the Patrons, and Protectors of these so different, so repugnant Innovations : witness the several dedications to us.

Nay both these ways, together with the Episcopal, come all rushing in upon us, every one pretending to a Fore-head of Divinity.

1. Episcopacy says its by divine right ; and certainly Sir, it comes much nearer to its claim, than any other.

2. Presbytery, That says it's by divine right.

3. Nay, this Illegitimate thing, this New-born Independency, that dares to say it's by divine right also.

Thus the Church of England (not long since the Glory of the Reformed Religion) is miserably torn and distracted. You can hardly now say, which is the Church of England. Whither shall we turn for Cure.

Another instance. If I would deal with a Papist, to reduce him ; He answers, I have been answered so already : To what Religion would you perswade me? What is the Religion you profess? Your 39 Articles they are contested against : your publick solemn Lyturgy that is detested : \* And which is more then both these, the 3. Essential, proper, and only Marks of a true Church, they are protested against : what Religion would you perswade me too? where may I find and know, and see, and read the Religion you profess? I beseech you Sir, help me an answer to the Papist.

Nay Sir, the Papist herein hath assistance even among our selves, and doth get the Tongue of some men whose hearts are far from him. For at one of your Committees, I heard it publicly asserted, by one of the Committee, that

Q q q q 2

some

Novemb.  
1641.

\* Protestation protested, denies the Church of England to have the 3 Marks of a true Church.



Novemb.

I 64 I.

The Ministers in their Remonstrance do complain that the Creed is often rehearsed, but they blotted out (what they had put in) that it is over-short, and in one place dangerous obscure.

a As for them  
who admit a  
form to be  
lawful, yet do  
declaim a-  
gainst Au-  
thority for

commanding and imposing the use of it, It is to me a wonder and absurdity, that a just Authority may not bind that to be done by a Law, which is ( as they confess ) lawful in It self both to have and use. *b* In a false Copy abroad, instead of *may hereafter*, the silly Transcriber put in *May, her afferture*, which hath been some displeasure unto me.

some of our Articles do contain some things contrary to Holy Scripture.  
Mr. Speaker, *Sunday is a Sabbath: Sunday is no Sabbath:* Both true, both untrue, in several acceptations, and the knot I think too hard for our Teeth. Shall I give you an easier instance?

Some say it is lawful to kneel at receiving the Elements of our Holy Communion : others Plead it as expedient : Some do press it as necessary : and there want not others who abhor it as Idolatrous. And Sir, I am confident you cannot so state this easie question to pass among us, but that there will be many *Contradicentes*.

The Second Epistle of St. Peter is now newly denied to be the Apostles. Our Creed, the Holy Apostles Creed, is now disputed, denied, inverted and exploded, by some who would be thought the best Christians among us. I started with wonder, and with anger, to hear a bold Mechanick tell me that my Creed is not my Creed. He wondred at my wonder and said, *I hope your worship is too wise to believe that which you call your Creed.*

O Deus bone in qua tempora reservasti nos! Thus Εὐθ' ἀπόπερθε δεινός τις καὶ τ' ἄλλα συμβαίνει. One absurdity leads in a thousand, and when you are down the Hill of Error, there is no bottom, but in Hell, and that is bottomless too. Shall I be bold to give you one (and but one) instance more? much clamor now there is against our publick Lyturgy, though hallowed with the Blood of some of the first Composers thereof. And surely Sir, some parts of it may be well corrected. But the clamors now go very high. Impudence or Ignorance is now grown so frontless, that it is lowly expected by many that you should utterly abrogate all forms of publick worship (a) and at least if you have a short Form, yet not to impose the use of it, Extirpation of Episcopacy, that hope is already swallowed, and now the same Men are as greedy for abolition of the Lyturgy: that so the Church of *England* in her publick Prayers (b) may hereafter turn a babler at all adventure. A brainless, stupid, and an ignorant conceit of some.

Thus much for a taste of that, whereof there is too much abroad, for the divisions of *Reuben*, there are great thoughts of heart abroad. (Sir) Thus are we engaged into sad points of Divinity, and with the favour of that Gentleman, who did last time disgust it, I must again propound my doubtful *quare*, to be resolved by the wisdom of this House: whether we be *Idonei & competentes iudices* in doctrinal resolutions?

In my Opinion we are not. Let us maintain the Doctrine Established in the Church of *England*, it will be neither safety nor wisdom for us to determine new.

(Sir) I do again repeat and avow my former words, and do confidently affirm, That it was never seen, nor known in any age, in any Nation throughout the whole World, that a Set of Lay-men, Gentlemen, Soldiers, Lawyers of both Gowns, Physicians, Merchants, Citizens, all professions admitted, or at least admittable, but the Professors of Religion alone excluded, that we should determine upon Doctrines in Divinity.

Shall the Clergy hold different Doctrines from us? or shall our determinations bind them also? They are a considerable body in this Kingdom; they are (herein surely) concerned as much as we, and ought not to be bound up unheard and unpartied.

Farther (Sir) If Clergy-men among us be thought fit for no other then for spiritual imployment ; How shall we answer it to God, and to a good Conscience, if we shut them out from that which we our selves pretend to be their only and their proper work ?

Mr. Speaker, We cannot brag of an unerring spirit : infallibility is no more tyed to your Chair, then it is unto the Popes. And if I may speak truth, as I love truth with clearness, and with plainness, I do here ingeniously profess unto you, that I shall not acquiesce, and sit down upon the doctrinal resolutions of this House : unless it be where my own *Genius* doth lead and prompt me to the same conclusions.

Mr.



Mr. Speaker, We are Convened by his Majesties Writ to Treat *Super arduis negotiis regni & Ecclesie*, I beseech you let us not turn *negotia Ecclesie* into *dogmata fidei*. There is a great difference in *Objecto* between the Agends and the Credends of a Christian. Let us take care to settle the Government, that we do not unsettle the Doctrines.

The short close of all with a motion is but this: we are poysoned in many points of Doctrine: And I know no Antidote, no *Recipe* for cure but one: a well chosen and well temper'd National Synod, and God's Blessing thereon: this may cure us: without this (in my poor opinion) *England* is like to turn it self into a great *Amsterdam*. And unless this Council be very speedy, the Disease will be above the Cure.

Therefore, that we may have a full fruition of what is here but promised: I do humbly move that you will command forth the Bill for a National Synod, to be read the next morning. I saw the Bill above five Months since in the hand of a worthy Member of this House. If that Bill be not to be had, then my humble Motion is, (as formerly) that you would name a Committee to draw up another.

This being once resolved, I would then desire that all Motions of Religion, (this about the Lyturgy, especially) may be transferred thither, and you will find it to be the way of Peace and Unity amongst us here.

I might have added in due place above, a mention of (1.) Frequent Schismatical Conventicles. (2.) That Taylors, Shoemakers, Braziers, Felt-makers, do climb our publick Pulpits. (3.) That several odd irregular Fasts have been held, for partial venting of private flatteries of some; slanders of other Members of this House. (4.) That the distinction of the Clergy and Laity is Popish and Antichristian, and ought no longer to remain. (5.) That the Lords Prayer was not taught us to be used. (6.) That no National Church can be a true Church of God. (7.) That the visible Church of Antichrist did make the King Head of the Church. (8.) That supreme power in Church Affairs, is in every several Congregation. (9.) That a Presbytery without a Bishop was in the World before it was at *Geneva*. (10.) That it is a hainous sin to be present when Prayers are read out of a Book. (11.) That to communicate in presence of a Prophane Person, is to partake of his prophaneness. (12.) That Christs Kingdom hath been a Candle under a Bushel, whilst Antichrist hath out-raigned him for 1600 years together.

Many more instances at little leisure I can gather, which together have begotten a general increase of open Libertinisme, secret Atheisme, bold Arminianisme, desperate Socinianisme, stupid Anabaptisme, and with these the new Chiliastes, and the wilfulness of Papists strangely and strongly confirmed by these distractions.

Good God! look down and direct our consultations. The best Issue whereof (I think) would be to debate the whole debate of Religion out of our Doors: by putting it into a free Synod, whereupon I doubt not but we should grow unanimous in all our other works.

So that from this Speech here is an undeniable Authority how from the Infancy of this Idol of Presbyterian Reformation, Hell seemed to be broke loose, and all the seducing Spirits assisted the beginnings of it. And certainly the effects of it we still feel at this day, God Grant our Posterity may not do so too.

This day the Lords entred upon the Debate of the List of Recusants, whom the Commons desired might be secured; and it was upon the Debate Resolved, *That the Kingdom was in such Danger at this time as required the securing of the Persons of Recusants, and that this shall be done by a legislative Way*. And a Committee was appointed to draw up a Bill immediately to that purpose.

In the Commons House, the reforming Faction were this day tugging sorely at the Oars, to bring the Declaration of the State of the Kingdom, which was now ingrossed and read, into safe Harbor; there blew

Novemb.

1641.

Tuesday,  
Novemb. 22.

The Resolution of the Lords concerning securing of the Recusants in the List, sent up to the Commons.



Novem.

1641.

blew a fresh Gale from the Coast of Loyalty, beyond their Expectation, who were the Contrivers of it, and several Alterations were made in it; and pity it was, that it was not after all the shaking and shaking served, as the common Opinion is, Cucumbers ought to be thrown away, as more dangerous to the Health of the Body, then their agreeableness to the Palate can compensate; the House was divided four several times upon the Question; but at the last all that which they called Amendments being read, it was put to the Question, *Whether it should pass*, and the House dividing upon it, with the Yeas were 159 with the Noes were 148. so it was carried in the Affirmative. The Question was then put again, *Whether it should be Printed or not*, the House was again divided, with the Noes were 124 with the Yeas 101. So that passed in the Negative, the time for Printing was not yet come.

Upon this Occasion Sir Edward Deering, made this following Speech.

*Mr. Speaker,*

**T**His Remonstrance is now in Progress upon its last Foot in this House: I must give a Vote unto it, one way or other: my conscience bids me not to dare to be affirmative: so sings the Bird in my breast, and I do cheerfully believe the Tune to be good.

This Remonstrance whensoever it passeth, will make such an impression, and leave such a Character behind, both of his Majesty, the People, the Parliament, and of this present Church and State, as no time shall ever eat it out, whilst Histories are written, and men have Eyes to read them.---How curious then ought we to be, both in the Matter and the Form? Herein is a severe point of conscience to be tryed: Let us be sure that every particular substance be a *Truth*: and let us cloath that *Truth* with a free language, yet a modest and a sober language.

Mr. Speaker, this Remonstrance is in some kind greater and more extensive then an Act of Parliament: that reacheth only to *England and Wales*; but in this the three Kingdoms will be your immediate supervisors: and the greatest part of Christendom will quickly borrow the Glass to see our deformities therein. They will scan this work at leisure, which (I hope) we shall not shut up in haste.

Some pieces here are of excellent use and worth: but what is that to me if I may not have them, without other parts that are both doubtful and dangerous.

The *Matter*, *Form*, and *final end* of this Remonstrance, all of them do argue with me, not to remonstrate thus.

The end: to what end do we decline thus to them that look not for it? Wherefore is this descension from a Parliament to a people? they look not up for this so extraordinary courtesie? the better sort think best of us: and why are we told that the people are expectant for a Declaration?

I did never look for it of my Predecessors in this place, nor shall do from my Successors. I do hereby profess that I do not know any one Soul in all that Country (for which I have the honour to serve) who looks for this at your hands. They do humbly and heartily thank you for many good Laws and Statutes already Enacted, and pray for more. That is the Language best understood of them, and most welcome to them. They do not expect to hear any other Stories of what you have done, much less promises of what you will do.

Mr. Speaker, When I first heard of a Remonstrance, I presently imagined that like faithful Counsellors, we should hold up a Glass unto his Majesty: I thought to represent unto the King the wicked Counsels of pernicious Counsellors: the restless turbulency of practical Papists. The Treachery of false Judges: The bold Innovations and some superstition brought in by some pragmatical B B: and the rotten part of the Clergy.

I did not dream that we should remonstrate downward, tell stories to the people, and talk of the King as of a third person.

The

Sir Edward  
Deering's  
Speech against  
the passing of  
the Remon-  
strance, Nov.  
22. 1641.



The use and end of such Remonstrance, I understand not: at least, I hope, I do not.

Mr. Speaker, In the Form of this Remonstrance, if it were presented to you from a full Committee, yet I am bold to make this Quære, Whether that Committee have presented to us any heads in this Remonstrance which were not first agitated here, and recommended to them from this House: if they have, there wanteth then (for so much) the Formal Power that should actuate and enlive the work so brought unto us: as may be well observed by perusing the Order (now above a Twelve Month old) for constituting that Committee.

In the matter of this Remonstrance I except against several Particulars, but upon the transient reading of it, (not having any view thereof) I will gather up two instances only, very obvious, very easie to be observed.

First, (as was also observed by a Learned Noble Lord who spake last) here is a Charge of a High Crime against all the Bishops in the Land, and that above all proof that yet I have heard.

Your words are, *Idolatry introduced by command of the B B.*

What? Plain, Flat, Formal Idolatry? name the Species of this Idolatry, that is introduced by the Bishops, that is (for indefinite propositions are æquipollent to universal) by all the Bishops, and by a command of theirs.

Certainly Sir, Idolatry (in the practice of it) is a very visible sin; and the Command of the Bishops was either legible or audible. Who hath read this Command? who hath heard this Command? who hath seen this all Commanded Idolatry? and can assign wherein it is?

Some superstition in Doctrines, and in Practices, by some Bishops, this is not the question: but the odious Apostacy of Idolatry. Give me leave to say.

No Man in this House can Charge and Prove all the Bishops, no nor half of them, I dare say, not any three among them: perhaps (and truly I think so) not one among them all, to have issued forth any one Command for Idolatry. If any man can, let him speak and convince me, I love to be reformed. In the mean time I desire to offer you some particulars in Barr, and by way of Opposal to this Charge.

The Learned, Pious, and Painful Bishop of *Durham* hath fought in Front against *Roman* Superstition and Idolatry.

The Bishop of *Lincoln* was the first of Note, that gave check to our Papal Mis-leaders and Altarian Innovators. He stood in gap of that Inundation, and was a sufferer for us.

The Bishop of *Exeter* (however mistaken in the Divinity of Episcopacy) hath ever had the repute both of a good Man, and a good Bishop. He hath not only held and maintained his station, but advanced also, and made good Impression upon the Idolaters of *Rome*.

Mr. Speaker, This hath been a very Accusative Age: yet have I not heard any Superstition (much less Idolatry) charged (much less proved) upon the several Bishops of *London*, *Winchester*, *Chester*, *Carlisle*, *Chichester*.

*Parcite paucorum crimen diffundere in omnes.*

Not for love unto the persons of the Bishops, but for Honour to our Religion, although the times of late have been somewhat darkened; yet, let not us make the day blacker in report then it is in truth.

In the last place I observe a promise in general words, *That Learning shall be rather advanced then discouraged: Sed quid verba audio, cum facta videam.*

Great rewards do beget great endeavours: and certainly (Sir) when the great Bason and Ewer are taken out of the Lottery, you shall have few adventures for small Plate and Spoons only.

If any Man could cut the Moon out all into little Stars: although we might still have the same Moon, or as much in small pieces; yet we shall want both light and influence.

To hold out the Golden Ball of Honour and of Profit, is both policy and honesty; and will be Operative upon the best natures, and the most Pious Minds.

But (Mr. Speaker) if I observe aright; Learning (I mean Religious Learning) in this Remonstrance is for one half thereof utterly unthought on. And because I hear often Speech of one half, but seldome mention of the other, give

Novemb.

1641.

10. Novem.  
1640.

L. Viscount  
Faulkland.

Dr. Morton.

Dr. Williams.

Dr. Hall.

Dr. Juxton.

Dr. Curle.

Dr. Bridgman.

Dr. Potter.

Dr. Duppar.



Novemb.  
1641.

Tit. 1. 9.

1 Tit. 9, 10.  
Verse 11.

As Mr. Reading,  
Mr. Abbot.

1 Sam. 2.

give me leave (I beseech you) in this Theam a little to enlarge my self: if your Remonstrance once pass, it will be too late (I fear) to enter this Plea.

It is I dare say, the unanimous wish, the concurrent sence of this whole House to go such a way, as may best settle and secure an able, learned, and fully sufficient Ministry among us. This ability, this sufficiency must be of two several sorts.

It is one thing to be able to Preach and to fill the Pulpit well; it is another ability to confute the perverse Adversaries of truth, and to stand in that breach. The first of these, gives you the wholesome food of sound Doctrine; the other maintains it for you, and defends it from such Harpies as would devour or else pollute it. Both of these are supremely necessary for us, and for our Religion.

Both are of Divine Institution. The Holy Apostle requireth both. Both *παρακαλεῖν & ἐλέγχειν*. First to Preach, That he be able with sound Doctrine to exhort: and then, *καὶ τοὺς ἀντιλέγοντας ἐλέγχειν* and to convince the gainsayers. For (saith he) *there are many deceivers whose Mouths must be stoppt.*

Now Sir, to my purpose: these double Abilities, these several sufficiencies, may perhaps sometime meet together in one and the same man: but seldome, very seldome, so seldome that you scarce can find a very few among thousands rightly qualified in both.

Nor is this so much infelicity of our, or any times, as it is generally the incapacity of Man, who cannot easily raise himself up to double Excellencies.

Knowledge in Religion doth extend it self into so large, so vast a Sphear, that many (for hast) do cut cross the Diameter, and find weight enough in half their work: very few do or can travel the whole Circle round.

Some one in an Age(perhaps) may be found, who as Sir Francis Drake about the Terrestrial Globe, may have travelled the Celestial Orbe of Theological Learning, both for controversal, and for instructive Divinity.

The incomparable Primate of Ireland deserves first to be named. Bishop Morton (whom I mentioned before) is another Reverend Worthy, and hath Highly deserved of our Church in both capacities, Jewel (of Pious Memory) another Bishop never to be forgotten. Some few others I could name, able and active both for Pulpit and the Pen. But Sir, these be *Rara aves*, there are very few of them.

The Reason is evident. For whil'st one Man doth chiefly intend the Pulpit Exercises, he is thereby disabled for Polemick Discourses: and whil'st another indulgeth to himself the faculty of his Pen, he thereby renders himself the weaker for the Pulpit. Some Men aiming at Eminency in both, have proved but mean proficients in either. For it is a Rule, and a sure one.

*Pluribus intentus minor est ad singula—*

Now Sir, such a way, such a temper of Church-Government and of Church-Revenue, I must wish, as may best secure unto us both: both for preaching to us at home, and for convincing such as are abroad.

Let me be always sure of some Champions in our *Israel*, such as may be ready and able to Fight the Lord's Battel against the Philistims of Rome, the Socinians of the North, the Arminians and Semi-Pelagians of the West: and generally against Hereticks and Atheists every where. God increase the number of his Laborers within his Vineyard: such as may Plentifully and Powerfully preach Faith and good Life among us. But never let us want some of these Watchmen also about our *Israel*, such as may from the Everlasting Hills (so the Scriptures are called) watch for us, and descry the common Enemy, which way soever he shall approach. Let us maintain both Pen and Pulpit. Let no Ammonite perswade the Gileadite, to fool out his right Eye, unless we be willing to make a League with Destruction, and to wink at Ruine, whil'st it comes upon us.

Learning (Sir) it is invaluable: the loss of Learning, it is not in one Age recoverable. You may have observed, that there hath been a continual Spring, a perpetual growth of Learning ever since it pleased God, first to light Luther's Candle: I might have said Wickliff's, and justly so I do; for even from that time unto this day, and night and hour, this light hath encreased; and all this while



while our better cause hath gained by this light; which doth convince our *Miso-musists*, and doth evict that Learning and Religion, by their mutual support, are like Hypocrites Twyns, they laugh and Mourn together.

But Sir, notwithstanding all this so long encrease of learning, there is *Terra incognita*, a great Land of Learning not yet discovered; our Adversaries are daily Trading, and we must not sit down and give over, but must encourage and maintain, and encrease the number of our painful Adventurers for the Golden Fleece; and except the Fleece be of Gold, you shall have no Adventurers.

Sir, we all do look that our Cause should be defended: if the Fee be poor, the Plea will be but faint. Our Cause is good, our Defence is just: let us take care that it be strong; which for my part, I do clearly and ingeniously profess, I cannot expect should be performed by the Parish Minister, no not so well as hitherto it hath been. For from whom the more you do now expect of the Pulpit, the less (I am sure) you must look for of the Pen.

How shall we with one hundred Pound, (perhaps two hundred Pound) *per annum*, with a Family, and with constant Preaching, be able, either in Purse for Charge, or in leisure for time, or in Art for skill, to this so chargeable, so different, so difficult a work? I speak it (Mr. Speaker) and Pardon my want of Modesty if I say, I speak it not unknowingly: Six hundred Pound is but a mean expence in Books, and will advance but a moderate Library. Pains and Learning must have a reward of Honour and Profit proportional: and so long as our Adversaries will contend, we must maintain the Charge, or else lay down the Cause.

In Conclusion, I do beseech you all with the fervour of an earnest heart; a heart almost divided between hopes and fears: never to suffer diversion or diminution of the Rents we have for Learning and Religion; but beside the Pulpit, let us be sure to maintain *πανσεπτιαν καθολικην* an universal Militia of Theology, whereby we may be alway ready and able (even by strength of our own, within our own happy Island at home) *ἐπισιμῆεν* to stop the Mouth of all errors and heresies that can arise.

Never Sir, never let it be said that sacred Learning (for such is that I plead for) shall in one essential half thereof, be quite unprovided for in *England*. Sir, I have reason to be earnest in this, I see I know great designs drawing another way: and my fears are increased, not cured by this Declaration.

Thus I have done: and because I shall want Champions for true Religion. Because I neither look for Cure of our Complaints from the common People, nor do desire to be cured by them. Because this House (as under favour I conceive) hath not recommended all the heads of this Remonstrance to the Committee which brought it in: Because it is not true, that the Bishops have Commanded Idolatry because I do not know any necessary good end and use of this Declaration, but do fear a bad one. And because we pass his Majesty, and do remonstrate to the People. I do here discharge my Vote with a clear Conscience, and must say No to this strange Remonstrance.

This was the last Speech, which this unfortunate Gentleman made in the House, that I can meet with, whom I cannot name without Compassion, considering his great Parts and Abilities, had they been rightly Informed, and not over-born by the popular Torrent, which though he at first helpt to swell above its Banks, he was not able to Stem, when he indeavoured to oppose it, but was himself over-born and sunk by it. And how dangerous a thing that great Privilege of Freedom of Speech was then in that House, he remains a sad Example, as will appear hereafter by their Treatment of him, and by his own Postscript to the Collection of his Speeches, which because it shews the Genius of those Persons and Times, I think will not be amiss to present the Reader with, in his own Words.



Novemb.

1641.

The Carriage  
of the Root  
and Branch  
Men to Sir Ed-  
ward Dering.

## " POSTSCRIPT.

" THUS have you a faithful and a clear exposure of my self in mat-  
" ter of Religion, both in what I have said, and what I wish may be  
" done. Let the Candid and Ingenuous Reader judge me. Such of the  
" Prelatick Party as are in love with present pomp and power will be  
" averse unto me, because I pare so deep: The *Rooters*, the Anti-Prelat-  
" tick party declaim against me, because I will not take all away. At  
" last Midsummer a new Moon did take these men, I did begin to find a  
" different greeting, a change of salutation. Some expostulate; others  
" condemn: some advise; others would seem to condole: all upon oc-  
" casion of my Speech 21. June; although I find not there (or in any  
" thing else that I have said) any cause to make me the object either of  
" *their* anger, *their* counsel, or *their* pity.

" The plain truth (as I touched before) is, that immediately upon my  
" approach unto this Parliament, some circumstances did concur to lead  
" my language on upon the Archbishop, not any personal passages (God  
" and my Soul do witness for me, I have not such a temper;) But be-  
" ing Servitor for that Shire, and in that Diocess where some of his hard-  
" ship then fresh and new was brought by complaint unto me; The ac-  
" cident of presenting that complaint did beget me almost as many new  
" Friends as he had old Enemies: and I know not what misconception  
" did thereupon (untruly) entitle me an enemy to the very function  
" of Episcopacy. I never gave my Name in to take away both *Root and*  
" *Branch*. I love not the sound of a Curse so well. If by the *Rooters*  
" I have been so mistaken, their credulity is not my crime. And their  
" foul language shall neither be my shame nor sorrow; I will repeat some  
" of their salutations.

1 A. G.

" 1. One tells me, That I would onely have new Bishops in room of old  
" ones: *Cujus contrarium verum est*.

2 W. P.

" 2. Another, That I have a Pope in my Belly.

3 S. W. B.

" 3. A Third, That he was never more sorry for any Speech in the  
" House, meaning that 21. June.

4 M. S.

" 4. Another, That *strange things were said of me*.

5 W. C.

" 5. A Fifth and 6 Sixth, That I go the way to *spoyl all their work*,  
" so I hope I do.

6 Mr. S S.

7 Dr. B. from  
others.

" 7. A Seventh, That it is said I am *fallen from Grace*: so some men  
" seem desperately to look into the Ark of God.

8 Dr. W.

" 8. An Eighth, That I have *contraried all that I said before*: let the  
" Doctor shew me that now.

9 R. L. B.

" 9. A Ninth is told, *That I am Apostated*; I doubt his Religion (*in*  
" *quantum* it differs from that of the Church of England) is an Apo-  
" stacy.

10 Mr. F.

" 10. A Tenth, That I am *gone over to their Adversaries*.

11 S. A. H.

" 11. An Eleventh and Twelfth, That the *Primate of Ireland*, and  
" Dr. *Brownrig* have infected me; I dare drink their poyson.

12 T. W.

" 13. That the two Learned and Painful Equals without match, Mr.  
" Reading, and Mr. Abbot, abusing my trust in them, and good opinion  
" of them *do mislead me*; a slander upon three at once.

13 G. H.

14 S. E. P.

" 14. That Dr. Burges and I have *conferred Notes*; I wish we had.

15 Mr. K.

" 15. That I am *for Bishops, for Crosses, and for Images*; true and  
" false.

" 16. That



" 16. That if I had held where I was, there had not been a Bishop in the Land before August last; a false Wizard, I did hold where I was, and yet the Bishops are where they were.

" 17. That I have lost the prayers of many Thousands.

" 18. That I have lost the honour I had, and that my Conscience is not so good as it was in the beginning of this Parliament. Good (Mr. C.) you who would have Bishops out of their Chairs, come you but of the chair of the scornful. You are one of them who jog our elbowes, and boar our Parliament Ears with *Babylon, Antichrist, and the Mystery of Iniquity*, which I dare say is grossly misunderstood by your self and many others of your Rooting Tribe.

" Before this Parliament was convened, you would have joyed upon that day, when the sting of ill executed Episcopie (the high Commission) had been taken away; and (the pest of the Chair) sole ship of power retrenched. One is done, and both had been effected, if you and such as you had not over-heated a Furnace that was burning hot before; and with pressing for *Ruine*, have betrayed the time of a blessed *Reforming*. Take it unto you, for upon you, and the blind ignorant wilfulness of such as you, I do here charge the sad account of the loss of such a glorious Reformation, as being the revived image of the best and purest Ages, would with its Beauty and Piety have drawn the Eye and Heart of all Christendom unto us. *The Horse-leeches daughters do cry, Give, give.* And you that might have had enough, do still cry, *More, more.* The greedy Vulture of an insatiate appetite is incurable. To reform Episcopacy, it is in your esteem too faint, too cold a work, it is labour ill bestowed, and unthankfully accepted; nay one of you said in my hearing, *It is a sin to labour in the dressing and proining of that Plant, which (say you) is not of God, and must be digged up.* And with Episcopacy, away with the burden of our Liturgy.

" If you take not off this burden also, it will be girded upon us closer and stronger then ever. Away with the thought of a National Church also, *It hath no pattern in the Scripture.* It is impossible for a National Church to be the true Church of Christ. Let us have no Church but Congregations, and let them be without all superintendency: As much to say, as let every Family be a Church, and have Religion as they please. Away with all distinction of Clergy and Laity, it is Popish and Antichristian. Let us then banish from us such Popish Names, and send them home to Rome. *The Church is a Body of parity, whose members are all Kings and Priests.* And every man must exercise his Gifts in common. So also the Learned (but herein absurd and gross) *Walo Messalinus, Omnes olim Presbyteri erant Laici*; And again, *Waldenses & Lutherus crediderunt justos ac fideles Laicos posse omnes, quæ in Ecclesiâ Dei agi necesse est, agere, & omnibus muneribus Ecclesiasticis defungi.* These things thus pressed, and pursued, I do not see but on that rise of the *Kingship* and *Priestship* of every particular man, the wicked sweetness of a popular parity may hereafter labour to bring the King down to be but as the first among the Lords, and then if (as a Gentleman of the House professed his desire to me) we can but bring the Lords down into our House among us again, *Εὐρυγ.* All's done. No rather, all's undone, by breaking asunder that well-ordered Chain of Government, which from the Chair of *Jupiter* reacheth down by several golden even Links to the protection of the poorest creature that now lives among us.

Novemb.

1641.

16 I. K.

17 Civis Ignotus.

18 T. C.

Prov 30.

15.

Mr. F.

a S. M.

b Protestation

protested. p. 20.

c Mich. Quintin. p. 4.

d Eaton's Sermon vouched by Str Th. Aston. p. 4.

e Assertion of Scottish Government, p. 3.

f 5.

g Quintin. p. 9.

h Spencers Pamphlet.

i Thought to be Salmasius against Petavius p. 397, 398.



Novemb.

1641.

a De Bensf. l.2.  
c. 27.

b. J. H. H. M.

Epictetus.

“ What will the issue be, when hopes grow still on hopes? and one  
“ aim still riseth upon another, as one wave follows another? I cannot  
“ divine. In the mean time, you of that party have made the work of  
“ *Reformation* far more difficult than it was at the day of our meeting,  
“ and the vulgar mind now fond with imaginary hopes, is more greedy  
“ of new Atchievements, then thankful for what they have received.  
“ Satisfaction will not now be satisfactory. They and you are just in  
“ a *Seneca's* description, *Non patitur aviditas quenquam esse gratum. Nun-*  
“ *quam enim improbæ spei, quod datur, satis est Eo majora cupimus, quo*  
“ *majora venerunt. — Equè ambitio non patitur quenquam in eâ men-*  
“ *surâ conquiescere, quæ quondam fuit ejus impudens votum. — Ultra se*  
“ *cupiditas porrigit, & fælicitatem suam non intelligit.* Learn modera-  
“ tion (*Mr. C.*) unless (as <sup>b</sup> some of you *Rooters* do seem to hold) you  
“ do think moderation it self a Vice. The Stoick was in that point more  
“ Pious then such Christians: his Motto was, and your Lesson is, *Ἀπέχου*  
“ *τῷ Ἀπέχου.*

Tuesday,  
Novemb, 23.

The Bill for securing Papists, being presented by the King's Council was read a first and second time this Day, and committed to a Committee, who with some few amendment of Names, and little Alterations presented it again to the House; it was read thrice, and being approved was Ordered, *To be Ingrossed, and receiving the last reading, it was upon the Question Resolved, to pass as a Law, and immediately sent down to the Commons, by Serjeant Finch and Serjeant Glanvile.*

A Message was sent to the Commons to let them know, *That the Queen hath desired the Inlargement of Phillips the Priest, and that the Lords being satisfied with his Submission, and having nothing against him further depending in their House, are inclinable to release him, but resolved according to their Engagement to let the House of Commons be first acquainted with it.* Upon which the Commons made this Answer, *That they desire he may be continued still in his Restraint, in regard he is a Priest, and complained of for seducing his Majesties Subjects.*

Several Bills were sent up to the Lords, two private ones, a third for the laying down of the Privilege of Parliament, concerning Protections in some Cases, &c. a fourth for the Forfeiture of the Lands of *John James*, (who stabbed Justice *Heywood* at *White-Hall*) and for his further Punishment, &c.

An Ordinance was also brought into the House of Commons for reimbursing the City the 50000 *l.* last borrowed, and the 50000 *l.* formerly lent to the Peers, in the Northern Expedition.

Wednesday.  
Novemb. 24.  
The Commis-  
sioners return  
from Scotland.

The Commissioners being now returned from *Scotland*, the Lord Keeper was commanded, in the Name of the House of Lords, to let the Lord *Howard* of *Eskrik* know, *That the House doth acknowledg, that his Lordship hath very carefully and faithfully discharged that Trust, which this House reposed in him, in his Employment in Scotland, as a Committee for this House, for which the House gives his Lordship Thanks, and will be ready upon all Occasions for his Good, to Recommend him to the King.*

Thursday,  
Novemb. 25.

The House of Lords being Yesterday adjourned in regard they were informed of his Majesties coming from *Scotland*, sate not till Friday: and that it may a little recreate the Reader, who may well be tired with so much Tragedy, and the repeated Troubles of Rebellions, Plots and Conspiracies, of which this unhappy Age was so Fertile, I will present him



him with the short Sun-shine of that Days Solemnity, which hath so often been resembled to the Treacherous *Hofannas*, which preceded the Crucifixion of the Glorious Redeemer of the World: and not without Reason, for while he made that short Ovation in *London*, the Scribes and Pharisees of the Faction at *Westminster*, were in Consultation of that Remonstrance, which was to crucify his Reputation, and was the first bold Step to the taking away his Crown and Life.

Notice having been given of his Majesties Return this day to *White-Hall*, the Nobility, Gentry, Lord Mayor, Aldermen and Recorder, with many of the Principal Citizens, went to attend his Majesty, and Conduct him to the City.

So soon as they met him, Mr. Recorder of *London* Addressed himself, with all due Respects to his Majesty in this congratulatory Speech.

*May it please Your Majesty,*

“ **T**His is a day of Exceeding great Joy to your Citizens of *London*, joy exalted to the highest degree, to see you return in safety after a long absence, and to see this happy meeting with your Dearest Consort our good and gracious Queen; and with these blessed Children, that are the Fruits of your Loves, and Pledges to us of a fruitful and hopeful Succession.

“ I can truly say this from the Representative Body of your City, from whence I have my Warrant; they meet Your Majesty with as much Love and Affection, as ever Citizens of *London* met with any of Your Royal Progenitors, King or Queen of this Kingdom; and with as hearty a desire to shew it self fully: Pardon their failers, where you meet with any.

“ We tender unto You no formal Present, it would but lessen us, whatever it were, I am sure it would be far short of our meaning, but we present unto You our hearts and affections, hearts of true Subjects, full of Loyalty to You our King and Sovereign.

“ ’Tis true, in this we offer Your Majesty but your own, they were by just right Yours before: but upon this new and enlivening occasion, be pleased to take them as a new gift; we offer them chearfully, vouchsafe to accept them graciously; and with the Influence of those Excellent and Princely Vertues, which we know by great assurance to be eminent in Your Royal Person, we doubt not but Your Majesty will continue the defence of our Establishd Religion, and the clear Current of Justice, through all the Streams, of which Your Majesty is the Royal Fountain.

“ Vouchsafe likewise to uphold and countenance that Ancient Form and Frame of Government, which hath been long Established in the City; that Power and Authority of Yours, which You have committed to Your Lord Mayor, your true and faithful Subject and Servant, and the fit reverence and respect due to the Aldermen his Brethren, who are to assist him in his Government: we shall be thereby the better enabled to serve Your Majesty, and constantly to render to You the Fruits of a true Obedience: And, as our Duty binds us, we shall never cease to Bless You, and Pray for You, and Your Dearest Consort our gracious Queen, and for this Your Royal and Princely Off-spring; for Your Majesties long Life, and prosperous Reign over us, in Peace and Glory, and with full contentment: And I doubt not

“ but

Novemb.  
1641.

The King returns from Scotland, and the manner of his Reception by the City.

Mr. Recorder of London's Speech to the King at his return from Scotland.



Novemb.  
1641.

“ but every true Subject will joyn with us in this, and say, *Amen*.  
“ These Expressions of Joy, of Love, of Loyalty ; and these hearty  
“ wishes and desires, which I have mentioned, I meet with every where  
“ from your Citizens of *London* ; they are the soft and still Musick  
“ prepared for Your Majesties Welcom and Entertainment this Day ;  
“ The joyful Acclamations of Your People, upon the sight of your  
“ Royal Person will make it louder, and all chearfully bearing their  
“ agreeing parts together, shall I hope this Day make up to Your Ma-  
“ jesty a full and pleasing Harmony.

To which His Majesty immediately returned this Gracious Answer.

Mr. Recorder,

The King's  
Answer to the  
Recorder of  
London's  
Speech.

**I** Must desire you, because My Voice cannot reach to all those that I de-  
sire should hear Me, to give most hearty thanks to all the good Citi-  
zens of *London*, for their hearty Expressions of their Love to Me this  
Day : And indeed I cannot sufficiently express the contentment I have re-  
ceived therein : For now I see, that all these former Tumults and Disor-  
ders, have only risen from the meaner sort of People, and that the Affe-  
ctions of the better and main part of the City, have ever been Loyal and  
Affectionate to My Person and Government.

And likewise it comforts Me to see, That all those misreports that have  
been made of Me in My absence, have not the least power to do Me preju-  
dice in your Opinions, as may easily be seen by this days Expressions of  
Joy.

And now I think it fit for Me to assure you, That I am returned with  
as hearty and kind Affections to my People in general, and to this City  
in particular, as can be desired by loving Subjects : The first I shall ex-  
press by governing you all according to the Laws of this Kingdom, and in  
maintaining and protecting the true Protestant Religion, according as it  
hath been Established in my two famous Predecessors times, Queen Eliza-  
beth and My Father ; \* and this I will do, if need be, to the hazzard of  
My life, and all that is dear unto Me.

\* Too Prophe-  
tically spoken.

As for the City in Particular, I shall study by all means their prospe-  
rity : And I assure you, I will singly grant those few reasonable demands  
you have now made unto me in the Name of the City ; and likewise I shall  
study to re-establish that flourishing Trade, which now is in some disorder  
amongst you, which I doubt not to effect, with the good assistance of the  
Parliament.

One thing I have thought of, as a particular Affection to you, which is,  
to give back unto you freely, that part of *London-Derry* which heretofore  
was Evicted from you. This, I confess, as that Kingdom is now, is no great  
Gift ; but I hope first to recover it, and then to give it to you whole and  
intirely. And for the Legal part of this, I command you, Mr. Recorder,  
to wait upon me, to see it punctually performed.

I will end as I began, to desire you, Mr. Recorder, to give all the City  
thanks, in better Expressions than I can make : Though I must tell you,  
it will be far skort of that real contentment I find in my heart, for this  
real and seasonable Demonstration of their Affections to me.

Sir. Richard  
Gurney the L.  
Mayor, and  
the Recorder  
Knighted.

His Majesty having ended this gracious Speech, was pleased to con-  
fer the honour of Knighthood upon the Lord Mayor, and Mr. Recor-  
der,



der, with the City Sword ; and both their Majesties gave them, as also the Aldermen, City Council and Officers, the honour of kissing their Royal hands.

Novemb.  
1641.

This Ceremony being over, His Majesty and the Prince alighted out of the Coach, and took their Horses ; the Queen, Duke of York, Princess Mary, Prince Elector, and the Dutcheſs of *Richmond* ſtill remaining in their Coaches.

In the mean time, by the care and pains of the two Captains of the Companies, and of the three Marshals that were appointed for this days Service, the 500 Horſe-men of the Liveries, and their Attendants were brought in Order, and the Command being given, faced about, in order to the conducting of their Majesties into *London* ; which brave appearance gave great ſatisfaction to His Majesty, and the reſt of that Illuſtrious Company.

The whole Cavalcade was Marſhalled in this Order.

*The City Marſhall.*

*The Sheriffs Trumpeters.*

*The Sheriffs Men.*

*Messengers of the Chamber.*

*Citizens in their Velvet Coats and Chains.*

*The City Council and Officers.*

*The Aldermen.*

*The Princes Trumpeters.*

*The King's Trumpeters.*

*Gentlemen of the Privy Chamber.*

*Knight Marſhal.*

*Pursuivants at Arms.*

The Lord Chief Juſtice of the *Common-Pleas*, being  
a Knight of the Privy Council.

*Barons.*

*Lord Goring.*      *Lord Coventry.*

*Lord Fielding.*      *Lord Digby.*

*Lord Moubray.*

*Viſcount Conway.*

*Heralds.*

*Earls.*

*Earl Rivers.*

*Earl of Bath.*

*Earl of Cumberland.*

*Earl of Eſſex, L. Chamberlain  
of the King's Houſe.*

*Duke of Richmond.*

*Clarencieux, and Norroy.*

*Lord Keeper.*

*Lord Privy Seal.*

*Sergeants at Arms, among whom one  
for the City.*

Quirries



Novemb.

1641.

Quirries and  
Foot-men.

}

The Prince's Highness.

}

Quirries and  
Foot-men.

Garter.

{ The Lord Mayor carrying the Cities  
Sword, by His Majesties special  
appointment, as a grace and favour  
at this time.

{ A Gentleman-  
Usher daily  
waiting.

Lord Great  
Chamberlain.

{ Marquess of Hertford bearing the  
Sword of State.

{ Earl Mar-  
shal.

### The King's Majesty.

*The Queens Majesty in her Coach richly Embroydered,  
and with her, the Duke of York, the Princeß  
Mary, and the Prince Elector.*

*Marquess Hamilton, Master of the Horse, leading  
the Horse of State.*

*The Earl of Salisbury, Captain of the Pensioners.*

*The Gentlemen Pensioners, with their Pollaxes, all  
mounted, with Pistols at their Saddles.*

*The Earl of Holland, Lord General beyond Trent,  
and after him, Viscount Grandison; with many  
other principal Commanders in the late  
Northern Expedition.*

*After them, divers Ladies, and other Persons of  
Great Quality.*

*The Yeomen of the Guard.*

In this Order they marched towards London, and entred the City at Moor-gate, where their Majesties were welcomed with a noise of Trumpets, appointed to attend there to that purpose; from which place to Bishops-gate, and so through Corn-hill, to St. Laurence Lane's End in Cheap-side; the Companies in their Liveries stood on the left hand as their Majesties passed by; the Rails of the Standings being covered with Blew Cloth, and the Standings themselves being richly adorned with Banners, Ensigns, and Pendants of the Arms of each Company respectively. Nine Companies of the Twelve standing in the Morning, the Lord Mayor's Company beginning against St. Laurence Lane's End, and the other Eight in their Order, towards Bishops-gate, the rest of the way to Moor-gate being supplied by some of the inferiour Companies; the outsides of the Houses all the Way their Majesties passed being adorned with rich Tapestries.

On the North side of the Street, four Foot distant from the Houses were Rails placed, to regulate and keep the People in good Order, from Bishops-gate to Corn-hill, and so to Temple-Bar; at the beginning of which Rails, viz. at Bishops-gate, by the direction of the 2 Captains, and 3 Marshals, the first Horse-men of the Liveries began to make a Stand, the first Rank of them placing themselves single, faced to the Liveries that



that were in the Standings, and the rest passing along, placed themselves in the same Order : The Trumpets and Pendants of each Company, standing in the Front, and then the Companies themselves ; the youngest being next to the Pendant, and so upwards by Seniority, to the Master of the Company, who took his place last. Then began the Pendant and Youngest of the next Company to make their Stand, and so in Order, till they came to *St. Laurence Lane's End* ; there being five Foot distance from one Horse to another, in which space stood each Horse-man's Foot-man with a Truncheon in his hand, so making a Guard for their Majesties, and the rest of the Train to pass through : And it fell out that most of the Companies of Horse were placed right against their own Companies in the Standings. The People that were Spectators in the Streets, were bestowed part behind the Horse, and part behind the Liveries ; and by this good Order, their Majesties and the whole Train passed quietly, and without the least interruption.

Novemb.  
1641.

Their Majesties coming along *Corn-hill*, seven Trumpets that were in the Clock-house of the Royal Exchange, gave their second welcom into the City ; and as they passed along, the Conduit in *Corn-hill*, and the great Conduit in *Cheapside* ran with Claret Wine, to express the Liberality of the City for that Joyful Day : And all the Way as their Majesties passed along the Streets resounded again with the Loud and Joyful Acclamations of the People, crying, *God bleß and long live KING CHARLES and QUEEN MARI*, and their Majesties reciprocally and heartily Blessing and Thanking the People, with all the Expressions of Satisfaction imaginable.

Being come to the End of *St. Laurence Lane*, the Passage being narrow, neither Horse nor Foot could be planted there ; so that only the Sheriffs Officers, the City Counsel and Officers, the Sheriffs, Aldermen, and the Lord Mayor, conducted their Majesties and their Noble Retinue to *Guild-Hall*.

At their entrance there, divers Honorable Lords and Ladies that had not given their attendance abroad, presented themselves to his Majestie, and attended Him and the Queen, up to the New, and Old Council-Chambers, which were appointed for their Repose, till Dinner could be served up ; the Four Comptrollers for the Day, and about 80 comely and grave Citizens in Foynes and Liveries, standing and making a Lane on both sides their passage, to whom their Majesties shewed gracious Respects, the City Musick playing all the while to Entertain them, during the time of their Repose.

As soon as their Majesties had a little reposed themselves, Command was given to serve up Dinner ; the Place appointed for it was the *Hustings* at the *East End* of the Hall ; which was raised almost two Yards from the Ground, the Floor being covered with Turkey Carpets, and all the Hall, as all the other Rooms, were hanged and adorned with rich Tapestry : In the middle of the place where their Majesties Dined, was hung up a Cloth of Estate, and two Chairs of Estate were placed under it ; before which was a Table of 6 Yards long, at the South End whereof, at two Yards distance was a Table of Garnish 3 Yards square, and at the *North End* was a Room Erected for Musick of all sorts ; for the Entertainment of their Majesties while they were at Dinner.

About 4 or 5 steps under the place prepared for their Majesties, was a frame of Timber Erected, and Floored with Deals, a Yard from the Ground, which Extended almost to the Hall Door, upon each side where-



Novemb.

1641.

of was a Table set from the upper to the lower end of it; at these two Tables, the Lords and Ladies that attended their Majesties were to Dine, between which was a spacious Way left covered with Green Bayes, whereon their Majesties were to pass where they should dine.

In the *West* part of the Hall below the Gate, on the *South* side, was a long Table placed for the Gentlemen Pensioners; and in all other Rooms, that were not for their Majesties Retirement, Tables were likewise prepared for several sorts of their Majesties attendants.

Dinner was served up in this manner; From their Majesties Table to the Dresser, which was at the *West* End of the Hall, stood the 80 Livery Men before mentioned, in two Ranks about 2 yards distance from each other, Face to Face; one Rank of them receiving from the Dresser the King's Meat, and the other the Prince's, at one and the same time; they never stirred from their places, but delivered the several Dishes from one to another, till it came to the Sewers, who placed them upon the Table. Their Majesties Table was furnished with four Courses, the first consisting in 50 Dishes of Cold Meats, as Brawn, Fish, and Cold baked Meats, planted upon the Garnish or side Table; the other three were of all sorts of Fish, Fowl and Flesh, to the Number of 120 Dishes of the Choicest Kinds that could be procured: After which was served up a most Excellent and well ordered Banquet of all sorts of Sweet-meats and Confections wet and dry.

At the High Table Dined His Majesty, his Royal Consort the Queen, the Prince, the Duke of *Tork*, the Princess *Mary*, and the Prince Elector *Palatine*, in this Order; The King sat under the Cloth of Estate, and Her Majesty close to him on his left hand; On his right hand, about a yard distance, sat the Prince; and about the same distance from his Highness sat the Prince Elector: At Her Majesties left hand, about a yard distance, was placed the Princess *Mary*, and not far from her the Duke of *Tork*.

The Service for the Tables of the Lords and Ladies was thus ordered: The Liveries before mentioned, after the Meat was placed on the high Table, served up Dinner to those Tables, but in a different posture; for whereas before, they stood in two Ranks Face to Face, they now turned Back to Back, because the Dishes being served to both Tables together, the one Rank of them might face to one Table, and the other to the other: To these two Tables were appointed 10 Messes, consisting of 500 Dishes.

These two Tables being furnished, care was taken for the rest of the Train, that were thought fit to be entertained within the Hall, who were all served so plentifully, that not one person was heard to go discontented away: A large Provision was made abroad for the Guard, Footmen, Coachmen and the like.

Their Majesties were extremely pleased as well with the Excellent Management, as the Plenty and Splendor of the Entertainment; and Dinner being Ended, the King sent for Mr. *John Pettus*, a Gentleman of an Ancient Family in the County of *Suffolk*, and bestowed the Honor of Knighthood upon him, as a mark of his Favour to the Lord Mayor, whose Daughter he had married.

Their Majesties having reposed themselves some little time after Dinner, the Dayes being short, command was given for their Departure, and about four of the Clock they drew up, and in the same Order, with which they were Conducted into the City, they were also attend-

ed

Sir *John Pettus*  
Knighted.



ed to *White-Hall*, with this only difference, that whereas in the Morning the Footmen carried Truncheons in their Hands, they now went with lighted Torches or Flambeaux, which gave so great a Light, as that the Night seemed to be turned into Day. As they passed along, the Trumpets and City Musick were placed in several Parts, Sounding and Playing, which together with the continued joyful Acclamations of the People, made the Streets ring again; the Conduits in *Cheapside* and *Fleet-street* all the while running with Wine. In their Passage by the South door of *St. Paul's Cathedral*, the Quire, with Sackbuts and Cornets, sung an Anthem of praise to God, with Prayers for their Majesties long Lives, that his Majesty was extreemly pleased with it, and gave them very particular Thanks, as all the way of his Passage, He used such Expressions of his high Contentment, and Sense of the Affections of his People, that there seemed to be a kind of Emulation between him and the City, which should most express their kindness to each other. The Citizens blessing and praying for their Majesties and their Royal Issue, and their Majesties returning the same Blessings upon the Heads of the Citizens.

Novem.

1641.

The King was in this manner, amidst a thousand Prayers and Acclamations, Conducted to his Palace at *White-Hall*, where the Lord Major coming, humbly to take his leave of his Majesty, the King out of the abundance of his excellent good Disposition, was graciously pleased to imbrace the Lord Major, heartily thanking him, and with all giving him in Charge, that in his Name, he should return his Thanks to the whole City.

One would be apt to think by this Days Solemnity, that there was not a more Loyal City, or a more happy Prince in the whole Universe; and to say the Truth, it may be, the better part of the City, was never more sincere in their Affections to this most Excellent Prince, and could they have kept the Governing Power in their Hands, they would have given other Testimonies of their Loyalty, then this Entertainment, tho possibly one of the most Splendid, Magnificent and well Managed, that ever was given to a King of *England*.

But the prevailing Faction at *Westminster*, who knew it would be impossible to carry on their Designs against the Monarchy, without the Assistance of *London*, the Magazine of Men and Money, never ceased to actuate the Rabble, and inferior Ranks of People, and to Incense them against the Loyal and Governing Part, till by Tumults, Outrages and Violences, they had wrested the Power wholly out of the Loyal Hands, and vested it in such Persons, as they were assured would be serviceable to their Interest and Designs, as hereafter in the subsequent Relation we shall see.

And now possibly it will be expected, that I should gratify the Reader with an Account of the Transactions of that Parliament in *Scotland*, during his Majesty's Presence among them; and if I cannot herein Answer the Expectation of the Inquisitive, I have this to plead in my own justification, that the defect is not occasioned by my want of Industry. For during the late aboad of his Royal Highness, the Illustrious Prince *James Duke of York* in that Country, to whose prudent Conduct, not only *Scotland* owes so much, for its present Peace, Establishment and Tranquility, but even *England*, is as sensible of the good Effects of his Presence there, as formerly it has been, of the ill Influence the Counsels and Actions of that Nation, have had upon the Af-



Novemb.

1641.

fairs of this, I writ to my very Worthy Friend *Francis Turner* Doctor in Divinity one of his Royal Highnesses Chaplains, to procure me an Authentick Account of those Transactions, from the Original Records of the Parliament of *Scotland*. Who in Answer to my Request, informed me, how willing he was to oblige the Publick in that particular; but that all those Records were irrecoverably lost; for it seems in the time, when that Scourge of God's Anger, the late Usurper and Execrable Regicide *Cromwel*, made his inroad into *Scotland*, that he might set all the Marks of Slavery upon a Nation, that had the Misfortune to fall under the Power of his Sword, he brought along with him, all the Publick Records of *Scotland*, and deposited them in the Tower of *London*, and when upon his most Gracious Majesties happy Restauration, the King was pleased to command the restoring of them to that his Ancient Kingdom, as a mark of his Favor, and their regained Liberty, the Ship which was imployed for their Transportation, was unfortunately lost, and Perished in her Voyage thither: and though I did not the least doubt of the Truth of this Account, from a Person of my Authors Integrity and Honor, yet so Industrious was I, to present the World with something, that might look like an Indevor, to satisfy in this particular, that hoping, at least, that the Titles of the Acts and Graces which then passed, where not also Shipwrack't I had recourse to the Collection of the *Scottish* Laws and Statutes, made by Sir *Thomas Murray* of *Glendook*, and now lately Printed by his Majesties special Warrant; but to my great disappointment, from the Parliament holden in the Year 1633 in the Reign of the Royal Martyr, till the year 1661 in the first Parliament holden in *Scotland*, after his Majesties happy Restauration, I find a Breach and Interruption, and not so much as the Titles of any of those Acts, which passed during the time of those dismal Revolutions; Providence it self seeming concerned to Erase and obliterate the Records, and Remembrance of the Disloyalty of that Generation of Men, that so their Actions might not remain upon Record, as ill Presidents to Posterity: and indeed the Loyalty of the present Nobility and Gentry of that Kingdom, has in a great measure expiated the Crimes and Errors of their Predecessors, as will evidently appear, both by their late firme adherence to the Interests of the Crown, during the Commotions raised by the Presbyterian Faction in that Kingdom in the Year 1678. and by their annulling all the Proceedings of the Conventions, Assemblies and Parliaments from the Year 1640 till the Year 1661.

I have met with one Particular however in a little Book, written as was supposed by Mr. *James Howel*, concerning the Transactions of those Times, where he mentions a Law which then passed, which was very remarkable, which he saith, was the reviving of an old Statute to the same Effect, which they caused to be Published throughout the whole Realm of *Scotland*, by which it was Statute and Ordained, *That it should be detestable and damnable Treason in the highest Degree, for any of the Scots Nation conjunctly, or singly, to levy Arms, or any Military Forces, upon any Pretext whatsoever, without the King's Royal Commission*; which I also find mentioned in the Continuation of *Baker*, pag. 514.

But it seems Presbyterians and Papists agree in this particular, That no Faith is to be kept with Hereticks; for they shortly after proved their own Popes, and absolved themselves, and the Nation from the Obligation of this Law, by raising of Men, and joyning with the *English* Rebels, as in due time we shall see.

Part of an Act  
of the *Scottish*  
Parliament,  
1641. making  
it Treason to  
levy Forces  
without the  
King's Com-  
mission.

It



It is most certain, that at this time the King complied, to the utmost, with the Desires of the *Scottish* Parliament, insomuch that they could scarce Request so fast as he Granted, his Majesty being resolved to put one of his Kingdoms, if possible, into a Posture of Peace and Quietness. Several Honors were likewise then Conferred, among the rest the Marquis of *Hamilton* was created a Duke, and General *Leshly* Earl of *Leven*, of whom I meet with these two remarkable Particulars. *Leshly* was so transported at this extraordinary Bounty and unexpected, as well as unmerited Honor, that he often protested, and once particularly at *Perth* upon his Knees, in the House of the Earl of *Kenoul*, that he would never again bear Arms against the King; but he not long after made the Poet a Prophet verifying the Verse,

Novemb.  
1641.

*Nulla Fides Pietasve viris qui Castra sequuntur.*

And for Duke *Hamilton*, there having been a pretended Conspiracy against him and *Argyle*, which though the Proof amounted to nothing at all, yet the Information had some oblique Reflections upon his Majesty, the King who could not conceal his resentment of this Carriage in *Hamilton*, which he had so little merited from him, when he delivered him his Patent of Duke, in Parliament, according to the Custom of that Nation, he told him, that he had not deserved to be distrusted by him, who could not but remember, that when he was accused to him of High Treason, yet he permitted him even then to lye in his Bed-Chamber; this made *Hamilton* outwardly appear much troubled, for having given the King so just occasion of Displeasure; but his great Interest in the Faction, formerly mentioned out of the Earl of *Manchester's* Memoires, notwithstanding all that hath been said by an able Pen, in vindication of him, seems not able to guard his Innocence, from the common Fame which went of him, that he betrayed the greatest Secrets of the King to the Junto, which managed the two Houses of Parliament, and that by the opportunity of being of the Bed-Chamber, he took the Letters out of the King's Pockets, and from them gave Informations of several things to the Party, much to the disadvantage of the King's Affairs.

There is another thing which I cannot omit, which is a Letter of His Majesties to Mr. *Nicholas* Clerk of the Council, from *Edinburgh*, which I found in the Paper Office, which was as follows:

**I** Hear it is reported, That at my Return, I intend to alter the Government of the Church of England, and to bring it to that Form as it is here. Therefore I Command you, To assure all my Servants, that I will be constant to the Discipline and Doctrine of the Church of England, Established by Queen Elizabeth, and my Father, and that I resolve by the Grace of God to die in the maintenance of it.

*Edinburgh*, Oct. 18. 1641.

Charles R.

Having made this little Holiday with the short gleam of Sun-shine in His Majesties Affairs, we must now return to the old Trade again of digging the Quarries of Rebellion.

The King having sent for the Lord Keeper, the House gave him leave to

The King's Letter to Mr. *Nichols*, Clerk of the Council of his Resolution to maintain the Church of England.

Friday,  
Novemb. 26.



Novemb.  
1641.

E. of Essex delivers up his Commission of Cap. General on the South-side of Trent.

A Message from the King concerning Guards of the Parliament.

to attend upon his Majesty, and appointed the Lord Chief Justice of the Common Pleas to be *Speaker* of their House till he returned.

Upon his return he informed the House, *That his Majesty had Com-manded him to let their Lordships know, That whereas he intended this day to have come to this House, his Majesty is diverted upon some impor-tant business at this time, and withal he is very hoarse with a Cold, but his Majesty intends very shortly to come to this House.*

*The Lord Chamberlain signified to this House, That the King being re-turned home, his Lordship hath delivered up his Commission of Captain General of the South Parts of this Kingdom, into his Majesties Hands, so that his Lordship cannot now take any Order, for the Guarding of the Par-liament, as was Ordered by the Parliament; therefore he desired their Lordships to consider, of what Course is fit to be taken herein, he having now no Power to obey their Commands. Hereupon, it was Resolved to communicate the matter to the House of Commons at a Conference, which was done accordingly.*

*The Lord Keeper declared, That he had received a Command from the King, that the Houses should be made acquainted, That His Majesty hear-ing that the Parliament have appointed Guards for securing the Houses, he presumes they did it upon some Reasons; but his Majesty not knowing any Reasons, It is his Majesties Pleasure, That the said Guards be dissolved: for now his Majesty hopes, that his Presence will be a Protection to the Parliament. But if there be Occasion, and his Majesty sees Reasons for it, he will be very forward to take Care there be sufficient Guards to secure the Parliament. Which was also ordered to be added to the Conference which was to be with the Commons.*

In the Commons Journal there is the same Message with this addi-tion, *That if need be to have a Guard hereafter, his Majesty will be as glad to have a Guard as any other.*

A Message was also sent by George Goring Esq; *To let their Lordships know, That the House of Commons desire their Lordships would be pleased to send some few Lords to Petition his Majesty in the name of both Houses, That the Guards may be continued still, and they will within a few dayes bring up some Reasons to satisfie his Majesty for the same.*

For the debating of this, the House was adjourned into a Committee during pleasure; and the House being Resumed, it was put to the Que-stion, *Whether this Question should be put, viz. Whether this House shall joyn with the House of Commons, to Petition the King that the Guards may be continued for some few dayes, within which time there may be some Reasons given for the further continuance of them.* And it was Resolved upon by the major part in the Negative.

Then the House agreed, *That the Message brought from the House of Commons should be the Question, and be put in Terminis, as it came up from them; and the Lord Keeper was appointed to write as near as he could remember, the very Words of the Message; which his Lordship having read, the House did conceive some words were Dubious; for the satisfy-ing whereof, the Messengers of the House of Commons were called in, and the Lord Keeper sitting in his place upon the Woolfsack, told them, That there was some doubt of some Words in the Message, which the House desired to be satisfied in; and then the Lord Keeper going down to the Barr, as Usually he does when he receives Messages, the Messengers of the House of Commons repeated their Message again, and the L. Keeper being returned to his place as *Speaker*, reported the said Message in these*



these Words, viz. That the House of Commons desired that their Lordships would send some Lords to the King in the Names of both Houses, To beseech his Majesty to continue the Guards, till they may satisfie his Majesty of the Reasons why they conceive it necessary to have a Guard, which they intend to do within a few dayes.

Novem.  
1641.

And then it was Resolved upon the Question by the Major part, That this House doth joyn with the House of Commons in their desire. And the Earl of Warwick and the Lord Digby were Ordered to attend his Majesty to move him in it, according to the Message.

The Lord Kimbolton Reported from the Committee for Irish Affairs, a Paper containing the Reasons of the Assistants to the Committee, for the Forming the Troops of Cavalry into Regiments under Colonels and Sergeant Majors.

Saturday,  
Novemb. 27.  
Reasons against  
single Troops  
for forming  
the Cavalry in-  
to Regiments.

(1.) By reason of the continual Debate that would otherwise arise among the Officers, and their want of Obedience of one to another.

(2.) For the more speedy way as well in issuing as receiving the Orders, for the better Executing of any Commands whatsoever.

(3.) For the Exact Government and Ordering of the Troops as well upon Service, as at other times.

(4.) For the better Encouragement of Worthy Men to undertake the Service in hope of Advancement, and that at this very Instant Men of Merit that have had better Commands, would be unwilling to serve in a more Inferior Condition than they have already.

(5.) Though it be said, That in Ireland, Regiments will seldom come to fight in a Body, yet it may fall out otherwise, and then the inconvenience might prove of greater Consequence then the Charge.

(6.) In Holland, whilst their Troops were all single, yet for the time they were to render Service in the Field, they formed Regiments of them, which had their Colonels and Majors appointed for that time; which though they had no certain Pay by those Places, Yet they had other Advantages, by Governments, Commanderies, Companies of Foot, Quarters and such like things, to better their Condition; and at last the Prince of Orange found it more convenient to settle the said Commands to Colonels and Majors, although it were to the greater Charge of the State.

(7.) Finally, The General Practice of all Nations, as the Germans, Swedes, French, &c. which have tryed all manner of wayes, have for greater conveniency certainly formed their Cavalry into Regiments, and most of them also allow a Lieutenant Colonel to every Regiment.

The Earl of Warwick and the Lord Digby Reported to the House the King's Answer touching the Petition of both Houses for continuing the Guards. Viz.

I Did Command the Guards to be dismissed, because I knew no Cause the Parliament had of Fears; but I perceived the Molestation that the keeping of them would bring upon those Subjects of mine which were to perform that Service; besides the General Apprehensions and Jealousies which thereby might disquiet all My People: and I do Expect that when the Parliament shall desire of Me any thing like this Extraordinary, and that

The King's  
Answer con-  
cerning the  
Guards.



Novemb.  
1641.

that which appears of ill consequence, that they will give me such particular Reasons as may satisfie My Judgment, if they expect I should grant their Desire. Yet I am so tender of the Parliaments Safety, to secure them not only from real, but even imaginary Dangers, That I will Command my Lord of Dorset, to appoint some of the Train-Bands, only for a few dayes to wait on both Houses, in which time, if I shall be satisfied that there is Just Reason, I will continue them, and likewise take such a Course for the Safety of My Own Person as shall be fit, of which I doubt not but that they have as Tender a Care as of their own.

It was then Ordered, That this Answer shall be communicated to the House of Commons at a Conference.

Private Business set aside by Order of the House of Lords.

An Order was this day made to put off all private business till the first day of *Hillary* Term, and to be Printed and Published to prevent the Charge and Trouble which otherwise Petitioners who have Causes depending, might be put to, in attending the House of Lords.

Monday,  
Novemb. 29.  
The two *Sheldens* acquitted of *Beal's* Plot.

This day *William Shelden* Esquire, and *Edward Shelden* his Brother, who had been taken up by virtue of an Order of the 27th of Novemb. upon suspicion about *Beal's* Information of the 108 men who were to Kill the Parliament-Men, appearing before the Lords, and nothing of Complaint being against them; It was thought fit and so Ordered, That they should be forthwith discharged of any further attendance, and be freed from any further Restraint.

Then a Letter was read, written to the Lord Chamberlain from the Earl of *St. Albans*, dated the 14th of November, 1641. from *Ireland*, the Principal Contents whereof were these:

Letter from the E. of *St. Albans* in *Ireland*.

That the Town of *Gallaway* in *Ireland* is well Fortified, and in Command of Mr. *Willoughby*. That the Province wherein his Lordship lives doth utterly mislike the proceedings of the Rebels; That the County of *Mayo* is quiet: That 2000 Rebels are out in *Levain*, but 4 Towns stand out. That it is a thing of Consequence, that *Brian O'Rourke* here in England, should be secured, as conceiving him to be a dangerous person, in this time of Rebellion in *Ireland*, if he should Escape. That the whole Province of *Munster* is yet quiet. And lastly, his Lordship ended with a Protestation of his Faith and Loyalty to the Crown of England, while he lives, and will dye in the same, and will imploy all his Strength and Endeavours to assist the King for the Suppression of the Rebels. Whereupon the Lord Chamberlain was Ordered to return him the Thanks of the House, and the Letter to be communicated to the House of Commons.

The Bill for securing Recusants with amendments, as also the Order for securing to the City the two fifty thousand pounds, were carried up to the Lords.

In the House of Commons they were very busie upon a new Bill for Tonnage and Poundage; for the Reader is to take notice, that the Bills before mentioned, were but from two Months to two Months.

It was also Voted, That the Lords should be desired to move the King, that the Earl of *Salisbury* may be Lord Treasurer, and the Earl of *Pembroke*, Lord High Steward of His Majesties Household.

The Amendments and Alterations in the Bill concerning the securing of Popish Recusants, were this day read, and it was in the Debate taken

Tuesday,  
Novemb. 30.



ken into consideration, whether the first Clause should stand, which was, *That the Persons of Recusants should be restrained, as the Lords in Parliament should think fit* : or whether it should be altered according as the House of Commons desired, which was, *That the Lords should have power to dispose of the Persons of Lords, and the Commons of Commoners* : And in conclusion it was agreed upon, *That for the alterations of the Names of the Persons in the Bill, and the places of Dwellings, and the Alterations of time, this House agrees and consents to, but for the rest the House adheres to the former Clause in the Bill.*

The Bill for Tonnage and Poundage brought up from the Commons by Mr. Solliciter, was read three times Successively, and upon the Question it was Resolved to pass as a Law, *Nemine Contradicente.*

The Order for securing the Mony borrowed of the City was likewise read, and assented to ; which was as follows.

**T**He Lords and Commons in this present Parliament Assembled, having a due regard to the good Affections of the City of London, expressed upon sundry Occasions, by the advancing and lending of great Sums of Money, for the service of this Common-wealth ; and particularly the Sum of 50000 l. for supplying the present Affairs in Ireland, all which the said Lords and Commons do take in very good part, and being resolved to make a full and just satisfaction for the same, do hereby declare, *That this said Sum of 50000 l. lent for the Irish Affairs, and the Sum of 50000 l. more, lent by the said City unto the Peers attending His Majesty in the Northern Parts before the beginning of this present Parliament, and such other Sums lent by the said City unto this Parliament, which are not yet paid, or otherwise secured, shall be fully satisfied and repaid unto the said City of London, with Interest, after the rate of 8 l. per cent. for a Year, out of such Moneys as are or shall be raised by Authority of Parliament ; and for that purpose will Exhibit a Bill, and become humble Suiters to His Majesty, that the same may be passed with all Expedition. Provided always, that this present Declaration shall not be in any wise prejudicial to any Members of the said House of Commons, who have formerly lent any Sums of Money to this Parliament, nor to the Northern Counties, nor to any persons whatsoever, to whom the Houses of Parliament, or the House of Commons have formerly Ordered the Payment of any Sums of Mony, nor to any security given to them before the making of this Declaration.*

Mr. Pym presents from the Committee the Reasons of both Houses of Parliament, for the continuance of a Guard, viz.

(1.) *The great numbers of disorderly, suspicious, and desperate Persons, especially of the Irish Nation lurking in obscure Allies and Victualling Houses in the Suburbs, and other places near London and Westminster.*

(2.) *The Jealousie conceived upon the discovery of the Design in Scotland, for the surprizing of the Persons of divers of the Nobility, Members of the Parliament there, which had been spoken of here, some few days before it broke out, not without some whispering intimation, that the like was intended against divers Persons of both Houses, which found more Credit by reason of the former attempts of bringing up the Army to disturb and inforce this Parliament.*

Novemb.

1641.

Bill for Tonnage and Poundage passed the Lords.

The Order for securing the Money borrowed of the City for the Northern expedition, and Ireland.

The Commons Reasons for the Continuance of Guards.



Novemb.

1641.

(3.) *The Conspiracy in Ireland managed with so much secrecie, that but for the happy discovery at Dublin, it had been Executed in all parts of the Kingdom, upon one and the same day, or soon after, and that some of the chief Conspirators did profess, that the like course was intended in England and Scotland, which being found in some degree true in Scotland, seemed the more probable likewise to be done in England.*

(4.) *Divers Advertisements from beyond the Seas, which came over about the same Time, that there would be a great alteration in Religion in England in a few days, and that the necks of both the Parliaments should be broken.*

(5.) *Divers Examinations of dangerous Speeches, of some of the Popish and discontented party in this Kingdom.*

(6.) *The secret Meetings and Consultations of the Papists in several Parts, their frequent Devotions for the prosperity of some great Design in hand.*

*These several Considerations do move the Parliament to desire a Guard, under the Command of the Earl of Essex; and they do conceive, there is just Cause to apprehend that there is some wicked and mischievous practice to interrupt the peaceable proceedings of the Parliament still in hand: for preventing whereof, it is fit the Guards should be still continued under the same Command, or such other as they should chuse. But to have it under the Command of any other, not chosen by themselves, they can by no means consent to, and will rather run any hazard then admit of a Precedent so dangerous both to this, and to future Parliaments.*

*And they humbly leave it to His Majesty to consider, whether it will not be fit to suffer his High Court of Parliament to enjoy that Privilege of providing for their own safety, which was never denied other inferior Courts: And that he will be pleased graciously to believe, that they cannot think themselves safe under any Guard, of which they shall not be assured, that it will be as faithful in defending His Majesties safety as their own, whereof they shall always be more careful then of their own.*

*Among all these Reasons, here is not one word of Beal the Taylors Discovery of the 108 Men, which for 40 s. apiece were to do such strange things; it seems by this time they found it an incredible Story, and it is very probable, that if the other grounds of their fears did not proceed from their own Quiver, yet if they had Examined them they would have found them as frivolous as that, or the Scotch Design against Hamilton and Arguile; which upon the strictest Scrutiny would not afford more proof then to make a noise about the Streets of Plots against the Parliament, the better to incite the unruly Multitude to Tumults and Insurrections, which they now began to raise again, to cry out No Bishops, and with unheard of Insolence to affront His Majesty, and whoever was Loyal.*

*But the King having Ordered them a Guard of the Trained Bands, they were so displeased, not at the thing, for they had made use of them before, but at His Majesties appointing them; that it was Ordered in the House of Commons, That the Guard should be dismissed; and without giving His Majesty an Account, or presenting him with the Reasons above recited, the very same day, Mr. Glyn and Mr. Wheeler were Ordered to require the High Constable of Westminster, to provide a strong and sufficient Watch in their stead.*

But



But to make a little flourish of Loyalty, and tenderness for the King's Honour and Reputation, it was this day Ordered, *That a Declaration be drawn for clearing His Majesties honour from false Reports cast upon him by the Rebels in Ireland, and a Provision to be made, that there may be no Conclusion of that War to the prejudice of this Kingdom.*

There might be malice even in this seeming kindness, for whilst they pretended to vindicate His Majesties Honour, they divulged the Scandal to the whole Nation; and by their subsequent Actions and Declarations, which within a little while after they published to improve the belief of that Scandal, one would think they intended to prepare the way for it by this plausible pretence of a Vindication.

And most certainly they could intend him no real Reparation, when themselves were this Day resolved to defame his Government, from the very beginning of his Reign, by that Scandalous Remonstrance of the State of the Kingdom; for this very Day Mr. Pym, Sir Symon D'Ewes, Sir Arthur Ingram, Sir John Thyn, Sir Henry Bellasis, Lord Gray, Sir Christopher Wray, Lord Fairfax, Sir Ralph Hopton, Sir Richard Winn, Sir John Corbet, Sir Edward Deering and Sir Arthur Haslerig, were Ordered to wait upon his Majesty, what time he appoints, with the Petition and Declaration: and indeed all their Actions seemed to carry Fire in one Hand and Water in the other; for the same Committee was appointed to draw up the Petition, together with some Reasons which necessitated the House make this Declaration, were at the same time ordered to frame a Congratulation for his Majesties safe return from Scotland.

And that the Reader may perceive the true Reason, why they made use of this *Fucus* of pretended Loyalty to paint over their Designs, and that the Remonstrance was very early projected by the Faction, even in the beginning of the Parliament, I must once more present him with a Passage out of the Memoires of the late Earl of Manchester.

“ The Grievances of the Kingdom, having been fully enumerated  
“ and declared, some of the Members of both Houses, had private  
“ Meetings and Consultations how to direct their Parliamentary Re-  
“ solutions, in order to present Redress and future Security: and it  
“ was conceived by them to be the most certain Way, and most confi-  
“ stent with the Duty and Allegiance of Subjects, to fix their Com-  
“ plaints and Accusations upon evil Counsellors, as the immediate A-  
“ ctors, in the Tragical Miseries of the Kingdom, rather than upon the  
“ personal Failings, and Mal-administrations in the King; Therefore it  
“ was resolved, *That the House of Commons, as the Grand Inquest of the*  
“ *Kingdom, should draw up such a Remonstrance, as might be a faithful and*  
“ *lively Representation to his Majesty, of the deplorable Estate of his*  
“ *Kingdom, and might point out unto him, those that were most Obnoxious*  
“ *and Liable to Censure; owning still such a due regard to his Royal Autho-*  
“ *rity, as not to mention his Name but with Honor; and in the deepest*  
“ *Sense of their former Grievances, to render him Thanks for the calling*  
“ *this Parliament, as the happy Omen to their present Hopes of future Re-*  
“ *dress and Establishment.*

By which short passage, one may plainly see the Method by which they conducted themselves, which was to preface their most scandalous Declarations, and most unreasonable Demands, with the fair Expressions of Loyalty, Duty, Allegiance and Honor to his Majesties Person,

Novemb.

I 6. 4. I.

Order for a Declaration to clear the Kings Honor from the Scandals of the Irish Rebels.

The Names of the Committee who were appointed to deliver the Remonstrance.



Decem.

1641.

Wednesday,  
Decemb. 1.  
Bishop of  
Exeter's Re-  
port about  
Books former-  
ly seized by  
the High  
Commission.

and that all their Animosities, were only against the Evil Counsel for who Administred the Publick Affairs, but for the King, they had no other Intentions, then to render him Great and Glorious, and to establish the Throne to him and his Posterity.

But to proceed in the Parliamentary Transactions, this Day the Bishop of Exon reported to the Lords House, That the Committee formerly appointed by their House, have perused those Books, which were seized on coming from beyond the Seas, and others printed in England, and put into the Hands of the Register of the High Commission Court, and the Committee finds them to be of three several sorts.

(1) Such as are fit to be delivered to the Owners, and to be sold by the Stationers as good and vendible Books, viz.

*The Holy Table, Name and Thing.*

*Mr. Walker's Treaty of the Sabbath.*

*A French Commentary on the Revelations.*

*Dr. Burge's his Rejoynder for Ceremonies.*

*Some old Books of Controversies.*

A Second sort of Books, which the Committee thinks fit to be sold to choice Persons, as

*Causin's 4th Tome of Holy Court in fol. of which there are 370.*

*Thomas de Kempis of the following of Christ, of which there are 100 in Decimo Sexto.*

*The Life of Sir Thomas Moor.*

A Third sort of Superstitious Tablets and Books, which are fit to be Burnt, as

*Missals, Primers and Offices of our Lady, &c.*

Hereupon it was Ordered by this House, That the first sort of Books are approved of by this House, and are to be delivered to the Owners, and to be sold by the Stationers, and that the second sort be delivered over to safe Hands, to be sold to Noblemen, Gentlemen and Schollars, but not to Women; and lastly, That the third sort, be burned by the Sheriffs of London in Smithfield forthwith.

Sir Henry Beddingfield who was formerly sent for by Order of the Lords, was brought in, and the Information of William Shales was read unto him; which being done, Sir Henry Beddingfield desired he might answer particularly to the Charge. But there being several Opinions in the House herein, he was commanded to withdraw, and the House took it into Consideration and Resolved he should be asked Generals before Particulars. Sir Henry was called in again, and the Speaker by Directions of the House asked him these Questions;

(1.) *Whether he knowes one William Shales?*

(2.) *Whether he was with him in his Garden at the time mentioned in the Information, and who else was with him?*

(3.) *What Discourse he had with Shales?*

(4.) *How long he had known Shales?*

Sir

The Order of  
the Lords  
concerning  
some Popish  
and other  
Books.

Sir Henry Bed-  
dingfield of  
Norfolk  
his Examina-  
tion.



Sir Henry Beddingfield's Answer was,

Decemb.

1641.

(1.) That he knowes William Shales, for he was formerly his Faulkner.

(2.) That Shales was with him in his Garden in April last, and Poole with them.

(3.) That their Discourse was, Where the best place for Hawking was in Ireland, and no other discourse.

It was then desired, That Sir Henry Beddingfield might be asked, Whether that Poole be a Priest? And it was objected, That thereby he might accuse himself; but he being not upon Oath, was asked the Question, and he Answered, That Poole was no Priest.

After this Poole was Examined upon Oath, What he knowes concerning the Information of William Shales?

He answered, That he was present at the Discourse between Sir Henry Beddingfield and the said Shales, and he remembred they discoursed in the Garden of Hawking, and what kind of Country Ireland was for Hawking, and about taking of a House at Kilkenny, and that Shales said, All things were quiet in Ireland: but denied he heard or knowes any more.

The House taking the whole business into Consideration, and finding no sufficient matter to proceed against Sir Henry Beddingfield; Ordered, That he be released from his present restraint, and dismissed from any further attendance upon this House for any thing concerning this Business: And lastly, that his Study shall be Unsealed and opened, as it was before any Order of this House served upon him.

Sir H. Beddingfield acquitted.

The Lord Keeper Reported a Conference this day had with the Commons, concerning the Impeached Bishops, and Phillips the Priest:

A Conference concerning the Impeached Bishops, and Phillips the Priest.

That the House of Commons have received the Plea and Demurrer of 12 of the 13 Bishops that are impeached for making the Book of Canons, &c. contrary to Law, and that one of them pleads Not Guilty, the other 12 neither confessed nor denied the Charge: The House of Commons are ready to make it good by proof, and do desire a short day to be prefixed for that Purpose.

Concerning Phillips the Priest, the House of Commons say, That they understand their Lordships have received satisfaction from him, for the Contempt done to their House: That the general business of the Kingdom hindered the preparing of Articles against him; but they shall be ready in convenient time to give him a Charge. And in regard they hear he is not well, they are contented he shall be removed to \* Denmark House, he putting in Caution not to go to Court, and to appear when he shall be required.

\* Now Somerset-House.

Hereupon it was Ordered, That Phillips shall upon these Cautions, finding Sureties, be released from his imprisonment in the Tower.

It was also Ordered, That the Lords the Bishops that are Impeached, shall be heard by their Council on Friday next at the Bar what they can say, why this Motion should not be granted.

But the Faction of the Commons were resolved, as before they had done in the Case of the Earl of Strafford, to obtain that by the Force of Tumults, that they could not obtain by Law or Reason. The Lords however were so sensible of this affront put upon the Freedom of the Parliament,

Tumults.



December,  
1641.

Parliament, that it was Ordered, *That all the Judges do consult among themselves, what Course is fit to be taken to prevent Riots, Routs, and unlawful Assemblies; and having considered of the Laws and Statutes in this Case, to present their opinions to the House to morrow Morning; and in the mean time to have a Conference with the Commons concerning the Tumults.*

In the Commons House Serjeant *Wild* Reports the Conference, *That the Lord Keeper told the Committee, That their Lordships had received Information of great numbers of People gathered together in a Tumultuous, Unusual, and Disorderly manner about the Houses of Parliament; and therefore desired the Commons House to joyn with them in a Declaration to remove them, and that for these Two Reasons. First, If these disorders should continue, they might render the good Acts and Provisions of this Parliament of suspicion to Posterity, by the interpretation of ill Ministers. Secondly, Because it did not stand with the Dignity of Parliament to suffer such Tumults to be so near the Houses of Parliament.*

The House being informed, That *Phillips* had a Trunk brought to him to the Tower by Two *Capuchins*, it was Ordered, *That the Lieutenant of the Tower, and Sir William Parkhurst shall search his Trunk, and if there be any Papers that concern the State, to secure them, till the pleasure of this House be known.*

The Committee formerly named to wait upon the King with the Petition and Declaration, were Ordered to go forthwith to present them to the King: *Sir Edward Deering* to read it to His Majesty, and in his absence *Sir Ralph Hopton* to read it: If he be absent, the Committee to appoint the Person that shall read it. Accordingly the Committee went this day, and attended His Majesty with the said Petition and Remonstrance; which, as I find it Printed in *Husband's Collections*, was in these words.

*The Petition of the House of Commons, which Accompanied the Declaration of the State of the Kingdom.*

*Most Gracious Sovereign,*

The Petition and Declaration of the State of the Kingdom, delivered by the Commons to the King at Hampton-Court, Dec. 1. 1641.

**Y**OUR Majesties Most Humble and Faithful Subjects the Commons in this present Parliament Assembled, do with much thankfulness and joy, acknowledge the great Mercy and Favour of God in giving your Majesty a safe and peaceable return out of *Scotland*, into your Kingdom of *England*, where the pressing dangers and distempers of the State have caused us with much earnestness to desire the comfort of your Gracious Presence, and likewise the Unity and Justice of your Royal Authority to give more Life and Power to the Dutiful and Loyal Counsels, and endeavours of your Parliament, for the prevention of that imminent ruine and destruction wherewith your Kingdoms of *England* and *Scotland* are threatned. The Duty which we ow to your Majesty and our Country, cannot but make us very sensible and apprehensive, that the multiplicity, sharpness and malignity of those Evils under which we have now many years suffered, are fomented and cherished by a corrupt and ill-affected Party, who amongst other their mischievous devices for the alteration of Religion and Government, have sought by many false scandals and imputations cunningly insinuated, and dispersed amongst the People, to blemish and disgrace our Proceedings in this Parliament, and to get themselves a Party and Faction amongst your Subjects, for the better strengthening of themselves in their wicked courses, and hindring those Provisions, and Remedies which might



Decemb.

1641.

might by the wisdom of your Majesty, and Council of your Parliament be opposed against them.

For preventing whereof, and the better Information of your Majesty, your Peers, and all other your Loyal Subjects, we have been necessitated to make a Declaration of the State of the Kingdom, both before and since the Assembly of this Parliament unto this time, which we do humbly present to your Majesty without the least intention to lay any blemish upon your Royal Person, but only to represent how your Royal Authority and Trust have been abused, to the great prejudice and danger of your Majesty, and of all your good Subjects.

And because we have reason to believe that those Malignant Parties whose Proceedings evidently appear to be, mainly for the advantage and encrease of Popery, is composed, set up, and acted by the subtile practice of the Jesuits, and other Engineers and Factors for *Rome*, and to the great danger of this Kingdom, and most grievous affliction of your Loyal Subjects, have so far prevailed, as to corrupt divers of your Bishops, and others in prime places of the Church, and also to bring divers of these Instruments to be of your Privy-Council, and other employments of trust and nearness about your Majesty, the Prince, and the rest of your Royal Children.

And by this means hath had such an Operation in your Council, and the most Important Affairs and Proceedings of your Government, that a most dangerous division and chargeable Preparation for War betwixt your Kingdoms of *England* and *Scotland*, the encrease of jealousies betwixt your Majesty and your most Obedient Subjects, the violent distraction and interruption of this Parliament, the Insurrection of the Papists in your Kingdom of *Ireland*, and bloody Massacre of your people, have been not only endeavoured and attempted, but in a great measure compassed and effected.

For preventing the final accomplishment whereof, your poor Subjects are enforced to engage their Persons and Estates to the maintaining of a very expenceful and dangerous War, notwithstanding they have already since the beginning of this Parliament undergone the Charge of 150000 Pounds Sterling or thereabouts. For the necessary support and supply of your Majesty in these present and perillous Designs. And because all our most faithful endeavours, and engagements will be ineffectual for the Peace, Safety, and Preservation of your Majesty and your People, if some present, real and effectual course be not taken for suppressing this wicked and malignant Party.

We Your Most Humble and Obedient Subjects do with all faithfulness and humility beseech your Majesty,

1. **T**hat you will be graciously pleased to concur with the humble desires of your People in a Parliamentary way, for the preserving the Peace and Safety of the Kingdom from the malicious Designs of the Popish Party.

For depriving the Bishops of their Votes in Parliament, and abridging their immoderate Power Usurped over the Clergy, and other your good Subjects, which they have most perniciously abused to the hazard of Religion, and great prejudice and oppression of the Laws of the Kingdom, and just Liberty of your People.

For the taking away such oppressions in Religion, Church-Government, and Discipline, as have been brought in and fomented by them.

For Uniting all such your Loyal Subjects together, as joyn in the same fundamental truths against the Papists, by removing some oppressions and unnecessary Ceremonies, by which divers weak Consciences have been scrupled, and seem to be divided from the rest, for the due Execution of those good Laws which have been made for securing the Liberty of your Subjects.

2. That your Majesty will likewise be pleased to remove from your Council all such as persist to favour, and promote any of those Pressures and corruptions wherewith your People have been grieved, and that for the future your Majesty will vouchsafe to employ such Persons in your great and publick Affairs, and to take such to be near you in places of Trust, as your Parliament may have cause to confide in, that in your Princely Goodness to your People, you will reject and refuse all mediation and solicitation to the contrary, how powerful and near soever.

3. That



Decemb.

1641.

3. That you will be pleased to forbear to alienate any of the forfeited and escheated Lands in *Ireland* which shall accrue to your Crown, by reason of this Rebellion, that out of them the Crown may be the better supported, and some satisfaction made to your Subjects of this Kingdom, for the great expences they are like to undergo this War.

Which humble desires of ours being graciously fulfilled by your Majesty, we will by the blessing and favour of God most cheerfully undergo the hazard and expences of this War, and apply our selves to such other courses and councils as may support your Royal Estate with Honour and Plenty at home, with Power and Reputation abroad, and by our Loyal Affections, Obedience, and Service, lay a sure and lasting Foundation of the greatness and prosperity of your Majesty, and your Royal Posterity in future times.

### A Remonstrance of the State of the Kingdom.

**T**HE Commons in this present Parliament Assembled, having with much earnestness, and faithfulness of affection and zeal to the publick good of this Kingdom, and his Majesties Honour and Service, for the space of Twelve Months, wrastrled with the great dangers and fears, the pressing miseries and calamities, the various distempers and disorders, which had not only assaulted, but even over-whelmed and extinguisht the Liberty, Peace, and Prosperity of this Kingdom, the comfort and hopes of all his Majesties good Subjects, and exceedingly weakned and undermined the Foundation, and strength of his own Royal Throne; Do yet find an abounding Malignity, and opposition in those Parties and Factions, who have been the cause of those Evils, and do still labour to cast Aspersions, upon that which hath been done, and to raise many difficulties for the hindrance of that which remains yet undone, and to foment Jealousies betwixt the King and Parliament; That so they may deprive him and his People, of the fruit of his own gracious Intentions, and their humble desires of procuring the publick Peace, Safety, and Happiness of this Realm. For the preventing of those miserable effects, which such malicious endeavours may produce, We have thought good to declare,

1. *The Root and the growth of these mischievous Designs.*
2. *The Maturity and Ripeness, to which they have attained before the beginning of the Parliament.*
3. *The effectual means which hath been used for the extirpations of those dangerous evils, and the Progress which hath therein been made by his Majesties goodness, and the Wisdom of the Parliament.*
4. *The ways of obstruction and opposition, by which that Progress hath been interrupted.*

5. *The courses to be taken for the removing those Obstacles, and for the accomplishing of our most dutiful, and faithful intentions, and endeavours, of restoring and Establishing the Ancient Honour, Greatness, and Security of this Crown and Nation.*

The Root of all this Mischiefe, we find to be a Malignant, and pernicious design of subverting the Fundamental Laws, and Principles of Government; upon which the Religion, and Justice of this Kingdom, are firmly Establishd. The Actors and Promoters hereof have been,

1. *The Jesuited Papists who hate the Laws, as the Obstacles of that change and Subversion of Religion, which they so much long for.*
2. *The Bishops, and the corrupt part of the Clergy, who cherish Formality, and superstition, as the natural effects, and more probable supports of their own Ecclesiastical Tyranny, and Usurpation.*
3. *Such Councillors and Courtiers as for private ends have engaged themselves to further the Interests of some Forraign Princes, or States, to the prejudice of his Majesty, and the State at home.*

The Common Principles, by which they moulded and Governed all their particular Counsels and Actions were these.

*First, to maintain continual differences, and discontents betwixt the King, and the*



the People upon Questions of Prerogative and Liberty, that so they might have the advantage of siding with him, and under the notions of Men, addicted to his service, gain to themselves and their Parties, the place of greatest trust and power in the Kingdom.

A Second, To suppress the Purity and Power of Religion, and such as were best affected to it; as being contrary to their own ends, and the greatest impediment to that change, which they thought to introduce.

A Third, To conjoyn those Parties of the Kingdom, which were most propitious to their own ends, and to divide those who were most opposite, which consisted in many particular Observations; to cherish the Arminian part in those points, wherein they agree with the Papists, to multiply and enlarge the difference between the common Protestants, and those whom they call Puritans, to introduce and countenance such Opinions and Ceremonies, as are fittest for Accommodation with Popery, to encrease and maintain ignorance, looseness and prophaneness in the People: That of those three Parties, Papists, Arminians, and Libertines, they might compose a body fit to act such counsels and resolutions, as were most conducive to their own ends.

A Fourth, to disaffect the King to Parliaments by slanders, and false imputations, and by putting him upon other ways of supply, which in shew and appearance were fuller of advantage, then the ordinary course of Subsidies, though in truth they brought more loss then gain, both to the King and People, and have caused the distractions, under which we both suffer.

As in all compounded bodies, the Operations are qualified according to the predominant Element; So in this mixt party, the Jesuited Councils being most active and prevailing, may easily be discovered to have had the greatest sway in all their determinations, and if they be not prevented, are likely to devour the rest, or to turn them into their own nature.

In the beginning of his Majesties Reign, the Party begun to revive and flourish again, having been somewhat damp't by the breach with Spain in the last year of King James, and by his Majesties Marriage with France; the Interest and Counsels of that State, being not so contrary to the good of Religion, and the Prosperity of this Kingdom, as those of Spain; and the Papists of England, having been ever more addicted to Spain, then France; yet they still retained a Purpose and Resolution to weaken the Protestant Parties in all Parts, and even in France, whereby to make way for the Change of Religion, which they intended at Home.

The first Effect and Evidence of their Recovery and Strength, was the dissolution of the Parliament at Oxford, after there had been given two Subsidies to his Majesty; and before they received Relief in any one Grievance, many other more miserable Effects followed.

The loss of the Rochel Fleet, by the help of our Shipping, set forth and delivered over to the French, in opposition to the Advice of Parliament, which left that Town without Defence by Sea, and made way not only to the loss of that important Place, but likewise to the loss of all the Strength and Security of the Protestant Religion in France.

The diverting of his Majesties course of Wars from the West-Indies, which was the most facile and hopeful way for this Kingdom to prevail against the Spaniards, to an expenceful and unsuccessful Attempt upon Cales, which was so ordered, as if it had rather bin intended to make us weary of War, then to prosper in it.

The precipitate breach with France, by taking their Ships to a great value, without making recompence to the English, whose Goods were thereupon imbar'd and confiscate in that Kingdom.

The Peace with Spain, without Consent of Parliament, contrary to the promise of King James to both Houses; whereby the Palatine Cause was deserted, and left to Chargeable and Hopeless Treaties, which, for the most part, were Managed by those, who might justly be suspected to be no Friends to that Cause.

The charging of the Kingdom with Billeted Soldiers in all Parts of it, and that Concomitant Design of German Horse, that the Land might either submit with Fear, or be enforced with Rigour to such Arbitrary Contributions, as should be required of them.



Decemb.

1641.

The dissolving of the Parliament in the second Year of his Majesties Reign, after a Declaration of their Intent to grant five Subsidies.

The exacting of the like proportion of five Subsidies after the Parliament dissolved, by Commission of Loan; and divers Gentlemen and others imprisoned for not yeilding to pay that Loan, whereby many of them contracted such sicknesses, as cost them their Lives. Great Summs of Money required, and raised by Privy Seals. An unjust and pernicious attempt to extort great Payments from the Subject, by way of Excise; and a Commission issued under Seal to that purpose. The Petition of Right, which was granted in full Parliament, blasted with an illegal Declaration, to make it destructive to it self, to the Power of Parliament, to the Liberty of the Subject, and to that purpose printed with it; and the Petition made of no use, but to shew the bold and presumptuous injustice of such Ministers as durst break the Laws, and suppress the Liberties of the Kingdom, after they had been so Solemnly and evidently declared.

Another Parliament dissolved, 4 *Car.* the Privilege of Parliament broken, by imprisoning divers Members of the House, detaining them close Prisoners for many Months together, without the Liberty of using Books, Pen, Ink, or Paper, denying them all the Comforts of Life, all Means of preservation of Health, not permitting their Wives to come unto them, even in time of their Sickness. And for the compleating of that Cruelty, after Years spent in such miserable duration, depriving them of the necessary means of Spiritual Consolation, not suffering them to go abroad to enjoy God's Ordinances in God's House, or God's Ministers to come to them, to administer Comfort unto them in their private Chambers: and to keep them still in this oppressed Condition, not admitting them to be bailed according to Law, yet vexing them with Informations in inferior Courts, Sentencing and Fining some of them for Matters done in Parliament, and Extorting the Payments of those Fines from them, inforcing others to put in Security of good Behaviour, before they could be released.

The Imprisonment of the rest which refused to be bound, still continued; which might have been perpetual, if necessity had not the last year brought another Parliament to relieve them; of whom one died, by the cruelty and harshness of his Imprisonment, which would admit of no relaxation, notwithstanding the Imminent Danger of his Life did sufficiently appear, by the Declaration of his Physician; And his release, or at least, his refreshment, was sought by many humble Petitions. And his Blood still cries either for Vengeance, or Repentance of those Ministers of State, who have at once obstructed the course both of his Majesties Justice and Mercy.

Upon the Dissolution of both these Parliaments, untrue and scandalous Declarations Published, to asperse their Proceedings, and some of their Members, unjustly to make them odious, and colour the Violence which was used against them. Proclamations set out to the same purpose; and to the great dejecting of the hearts of the People, forbidding them, to speak of Parliaments.

After the Breach of Parliament, in the fourth year of his Majesty, Injustice, Oppression, and Violence, broke in upon us, without any restraint or moderation; and yet the first project, was the great Sums exacted thorough the whole Kingdom, for default of Knighthood, which seemed to have some colour and shadow of a Law; yet if it be rightly examined by that obsolete Law which was pretended for it, it would be found to be against all the Rules of Justice, both in respect of the persons charged, the proportion of the Fines demanded, and the absurd and unreasonable manner of their Proceedings. Tonnage and Poundage hath been received without colour or pretence of Law: many other heavy impositions continued against Law: and some so unreasonable, that the sum of the Charge, exceeds the value of the Goods. The Book of Rates lately increased to a high proportion; and such Merchants as would not submit to their Illegal and unreasonable Payments, were vexed and oppressed above measure; and the ordinary course of Justice, the common Birth-right of the Subject of *England*, wholly obstructed unto them. And although all this was taken upon pretence of Guarding the Sea, yet a new and unheard of Tax of Ship-money was devised, upon the same pretence. By both which, there was charged upon the Subject near 700000 Pounds some years; and yet the Merchants have been left so naked to the violence of the *Turkish* Pirates that many great



great Ships of value, and thousands of his Majesties Subjects have been taken by them, and do still remain in miserable slavery.

The enlargement of Forrests, contrary to *Charta de Foresta*, and the composition thereupon. The exactions of Coat and Conduct Money, and divers other Military Charges. The taking away the Arms of the Trained-Bands of divers Counties. The desperate Design of engrossing all the Gun-Powder into one hand, keeping it in the Tower of *London*, and setting so high a Rate upon it, that the Poorer sort were not able to buy it, nor could any have it without Licence; thereby to leave the several parts of the Kingdom destitute of their necessary defence; and by selling so dear that which was sold, to make an unlawful advantage of it, to the great Charge and detriment of the Subject; the general destruction of the Kings Timber, especially that in the Forrest of *Dean*, sold to Papists, which was the best Store-house of this Kingdom, for the maintenance of our Shipping; the taking away of mens right, under colour of the Kings Title to Land between high and low Water-Marks. The Monopolies of Soap, Salt, Wine, Leather, Sea-Cole, and in a manner, of all things of most common and necessary use. The restraint of the Liberties of the Subjects in their habitation, Trades, and other Interest. Their vexation and oppression by Purveyors, Clerks of the Market, and Salt-Peter-men. The sale of pretended Nufances, as Buildings in and about *London*, conversion of Arable into Pasture, continuance of Pasture, under the name of depopulation, have drawn many Millions out of the Subjects Purfes, without any considerable profit to his Majesty. Large quantities of Common, and several Grounds, have been taken from the Subject, by colour of the Statute of Improvement, and by abuse of the Commission of Sewers, without their consent, and against it. And not only private Interest, but also publick faith hath been broken, in seizing of the Money and Bullion in the Mint; and the whole Kingdom like to be robb'd at once, in that abominable project of Brass-Money. Great numbers of his Majesties Subjects, for refusing those unlawful charges, have been vext with long and expensive Suits; some fined and censured, others committed to long and hard imprisonments and confinements, to the loss of health of many, of life in some; and others have had their houses broken up, their goods Seized, some have been restrained from their lawful Callings: Ships have been interrupted in their Voyages, surprized at Sea in an Hostile manner by Projectors, as by a common Enemy: Merchants prohibited to unlade their Goods in such Ports, as were for their own advantage, and forced to bring them to those places, which were most for the advantages of the Monopolizers and Projectors. The Court of Star-Chamber hath abounded in extravagant censures, not only for the maintenance and improvement of Monopolies, and other unlawful Taxes; but for divers other Causes, where there hath been no offence, or very small; whereby his Majesties Subjects have been oppressed by grievous Fines, Imprisonments, Stigmatizings, Mutilations, Whippings, Pillories, Gags, Confinements, Banishments; after so rigid a manner, as hath not only deprived Men of the Society of their friends, exercise of their professions, comfort of Books, use of Paper or Ink, but even violated that near Union, which God hath Establish't betwixt Men and their Wives, by forced and constrained separation; whereby they have been bereaved of the comfort and conversation one of another for many years together without hope of relief; if God had not by his over-ruling Providence, given some interruption to the prevailing Power, and Council of those who were the Authors and Promoters of such peremptory and heady courses.

Judges have been put out of their places, for refusing to do against their Oaths, and Consciences: others have been so awed, that they durst not do their duties, and the better to hold a Rod over them, the Clause *quam diu se bene gesserit* was left out of their Patents, and a new Clause *Durante bene placito* inserted. Lawyers have been checkt, for being faithful to their Clients; Solicitors and Attorneys have been threatned, and some punished for following lawful Suits: And by this means all the approaches to Justice were interrupted and forecluded. New Oaths have been forced upon the Subject against Law; new Judicatories Erected without Law: The Council-Table have by their Orders, offered to bind the Subjects in their Free-holds, Estates, Suits, and Actions. The pretended Court of the Earl-Marshal was Arbitrary, and Illegal in its being, and

Decemb.

1641.



Decemb.

1641.

Proceedings. The Chancery, Exchequer-Chamber, Court of Wards, and other English Courts have been grievous exceeding in their Jurisdiction. The Estate of many Families weakned; and some ruined by excessive Fines, exacted from them for compositions of Wardships. All Leases of above a hundred years, made to draw on Wardship contrary to Law. Undue proceedings used in the finding of Offices, to make the Jury find for the King, the Common-Law Courts, seeing all men more enclined to seek Justice there, where it may be fitted to their own desire, are known frequently to forsake the Rules of the Common-Law, and straining beyond their bounds, under pretence of equity to do Injustice. Titles of Honour, Judicial places, Serjeantships at Law, and other Offices have been sold for great Sums of Money; whereby the common Justice of the Kingdom hath been much endangered, not only by opening a way of employment in places of great trust, and advantage to Men of weak parts; but also by giving occasion to Bribery, Extortion, Partiality; It seldom hapning that places ill-gotten are well used. Commissions have been granted for Examining the excess of Fees: and when great exactions have been discovered, Compositions have been made with Delinquents, not only for the time past, but likewise for immunity and security in offending for the time to come; which under colour of remedy, hath but confirmed, and encreased the Grievance to the Subject. The usual course of pricking Sheriffs, not observed, but many times Sheriffs made in an extraordinary way; some times as a punishment and charge unto them; sometimes such were pricked out, as would be Instruments to execute whatsoever they would have to be done.

The Bishops and the rest of the Clergy, did triumph in the suspensions, Excommunications, Deprivations, and Degradations of divers Painful, Learned and Pious Ministers, in the vexation and grievous oppression of great numbers of his Majesties good Subjects. The High Commission grew to such excess of sharpness and severity, as was not much less then the *Romish* Inquisition; and yet in many Cases by the Archbishops power, was made much more heavy, being assisted, and strengthened by Authority of the Council-Table.

The Bishops and their Courts, were as eager in the Country, and although their Jurisdiction could not reach so high in rigour, and extremity of punishment, yet were they no less grievous, in respect of the generality, and multiplicity of vexations, which lightning upon the meaner sort of Trades-men, and Artificers, did impoverish many thousands, and so afflict and trouble others, that great numbers, to avoid their miseries, departed out of the Kingdom, some into *New England*, and other parts of *America*, others into *Holland* where they have transported their Manufactures of Cloth, which is not only a loss by diminishing the present stock of the Kingdom, but a great mischief by impairing and endangering the loss of that peculiar Trade of Cloathing, which hath been a plentiful Fountain of Wealth and Honour to this Nation. Those were fittest for Ecclesiastical preferment, and soonest obtained it who were most officious in promoting superstition, most virulent in railing against Godliness, and Honesty.

The most Publick and Solemn Sermons before his Majesty were, either to advance Prerogative above Law, and decry the Property of the Subject, or full of such kind of Invectives; whereby they might make those odious who sought to maintain the Religion, Laws and Liberties of the Kingdom; and such Men were sure to be weeded out of the Commission of the Peace, and out of all other Employments of Power in the Government of the Country. Many noble Personages were Counsellors in Name; but the Power and Authority remained in a few of such, as were most addicted to this Party; whose Resolutions, and Determinations were brought to the Table, for Countenance and Execution and not for Debate and Deliberation; and no Man could offer to oppose them, without Disgrace and Hazard to himself: Nay, all those that did not wholly Concur, and Actively Contribute to the furtherance of their Designs, though otherwise Persons of never so great Honor and Abilities, were so far from being Employed in any Place of Trust and Power, that they were Neglected, Discountenanced, and upon all Occasions, Injured and Oppressed. This Faction was grown to that Hight and Intireness of Power, that now they began to think of Finishing their Work, which consisted of these three Parts.



Decemb.

1641.

1. The Government must be set free from all restraint of Laws, concerning our Persons and States.

2. There must be a Conjunction betwixt Papists and Protestants in Doctrine; Discipline and Ceremonies: only it must not yet be called Popery.

3. The Puritans under which Name, they include all those that desire to preserve the Laws and Liberties of the Kingdom, and to maintain Religion in the Power of it; must be either rooted out of the Kingdom with force, or driven out with fear. For the effecting of this, it was thought necessary to reduce Scotland to such Popish Superstitions and Innovations, as might make them apt to joyn with England, in that great Change which was intended. Whereupon new Canons, and a new Liturgy were prest upon them; and when they refused to admit of them, an Army was raised to force them to it, towards which the Clergy and the Papists were very forward in their Contribution. The Scots likewise raised an Army for their Defence; And when both Armies were come together, and ready for a bloody Encounter, His Majesties own gracious Disposition, and the Council of the English Nobility, and dutiful Submission of the Scots, did so far prevail against the Evil Counsel of others, that a Pacification was made, and His Majesty returned with Peace, and much Honor to London.

The unexpected reconciliation was most acceptable to all the Kingdom, except to the Malignant Party, whereof the Archbishop and the Earl of Strafford being Heads, they and their Faction began to inveigh against the Peace, and to aggravate the Proceeding of the States, which so incensed his Majesty that he forthwith prepared again for War. And such was their Confidence, that having corrupted and distempered the whole Frame and Government of the Kingdom, they did now hope to corrupt that which was the only Means to restore all to a right frame and temper again: to which end they perswaded His Majesty to call a Parliament, not to seek Counsel and Advice of them, but to draw Countenance and Supply from them, and engage the whole Kingdom in their Quarrel: and in the mean time, continued all their unjust Levies of Money, resolving either to make the Parliament pliant to their Will, and to establish Mischief by a Law, or else to break it; and with more Color to go on by Violence, to take what they could not obtain by Consent. The Ground alledged for the Justification of this War was this.

That the undutiful Demand of the Parliament of Scotland, was a sufficient Reason for His Majesty to take Arms against them without hearing the Reason of those Demands; And thereupon a new Army was prepared against them, their Ships were seized in all Ports, both of England and Ireland, and at Sea, their Petitions rejected, their Commissioners refused Audience. This whole Kingdom most miserably distempered with Levies of Men and Money, and Imprisonments of those, who denied to submit to those Levies. The Earl of Strafford past into Ireland, caused the Parliament there to declare against the Scots, to give four Subsidies towards that War; and to ingage themselves, their Lives and Fortunes for the Prosecution of it, and gave Directions for an Army of eight thousand Foot, and one thousand Horse to be levied there, which were for the most part Papists. The Parliament met upon the thirteenth of April, one Thousand six Hundred and Forty. The Earl of Strafford, and Archbishop of Canterbury, with their Party so prevailed with His Majesty, that the House of Commons was prest to yield to a Supply for maintenance of the War with Scotland, before they had provided any Relief for the great and pressing Grievances of the People, which being against the Fundamental Privilege and Proceeding of Parliament, was yet in humble Respect to his Majesty, so far admitted, as that they agreed to take the Matter of Supply into Consideration, and two several Days it was debated. Twelve Subsidies were demanded for the release of Ship-Money alone; A third Day was appointed for Conclusion, when the Heads of that Party began to fear the People might close with the King in satisfying his desire of Money: But that withal they were like to blast their malicious Designs against Scotland, finding them very much indisposed to give any Countenance to that War.

Thereupon they wickedly advised the King to break off the Parliament, and to return to the Ways of Confusion, in which their own evil Intentions were most like to prosper and succeed.

After



Decemb.

1641.

After the Parliament ended the Fifth of *May*, one thousand six hundred and forty, this Party grew so bold, as to counsel the King to Supply Himself out of His Subjects States by his own Power, at his own Will, without their consent. The very next day, some Members of both Houses had their Studies and Cabinets, yea, their Pockets searched: Another of them not long after was committed close Prisoner, for not delivering some Petitions which he received by Authority of that House, and if harsher Courses were intended (as was reported) it is very probable that the sickness of the Earl of *Strafford* and the Tumultuous rising in *Southwark*, and about *Lambeth*, were the Causes that such violent Intentions were not brought to Execution. A false and scandalous Declaration against the House of Commons, was published in His Majesties Name, which yet wrought little Effect with the People, but only to manifest the Impudence of those who were Authors of it.

A forced Loan of Money was attempted in the City of *London*.

The Lord Mayor and Aldermen in their several Wards enjoined to bring in a List of the Names of such Persons, as they judged fit to lend, and of the Sum they should lend. And such Aldermen, as refused so to do, were committed to Prison.

The Archbishop and the other Bishops and Clergy continued the Convocation, and by a new Commission turned it to a *Provincial* Synod, in which by an unheard-of presumption, they made Canons that contain in them many Matters contrary to the King's Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Right of Parliaments, to the Property and Liberty of the Subject, and Matters tending to Sedition, and of dangerous Consequence, thereby establishing their own Usurpations, justifying their Alter-Worship, and those other Superstitious Innovations, which they formerly introduced without Warrant of Law.

They Imposed a new Oath upon divers of his Majesties Subjects, both Ecclesiastical and Lay, for maintenance of their own Tyranny; and laid a great Tax upon the Clergy, for Supply of his Majesty; and generally they shewed themselves very Affectionate to the War with *Scotland*, which was by some of them styled *Bellum Episcopale*; and a Prayer Composed, and Injoined to be read in all Churches, calling the *Scots Rebels*, to put the two Nations into Blood, and make them irreconcilable. All those pretended Canons and Constitutions were armed with the several Censures of Suspension, Excommunication, Deprivation, by which they would have thrust out all the good Ministers and most of the Well-Affected People of the Kingdom, and left an easie Passage to their own Design of Reconciliation with *Rome*. The Popish Party enjoined such Exemptions from the Penal Laws, as amounted to a Toleration, besides many other Encouragements, and Court Favours; They had a Secretary of State, Sir *Francis Windibank* a powerful Agent for the speeding of all their desires, a Popes Nuntio residing here to Act and Govern them according to such Influences as he received from *Rome*, and to intercede for them with the most powerful Concurrence of the Forreign Princes of that Religion: By his Authority the Papists of all sorts, Nobility, Gentry and Clergy were convoked, after the manner of a Parliament, new Jurisdictions were erected of *Romish* Archbishops, Taxes levied, another State moulded within this State independent in Government, contrary in Interest and Affection, secretly corrupting the ignorant or negligent Professors of our Religion, and closely uniting and combining themselves against such as were Sound, in this Posture waiting for an Opportunity by force to destroy those, whom they could not hope to seduce. For the effecting whereof, they were strengthened with Arms and Munition, encouraged by superstitious Prayers, enjoined by the *Nuncio* to be weekly made for the prosperity of some great Design. And such Power had they at Court, that secretly a Commission was issued out, intended to be issued to some great Men of that Profession for the levying of Soldiers, and to Command and Employ them according to private Instructions, which we doubt were framed for the advantage of those who were the Contrivers of them: His Majesties Treasure was consumed, his Revenue anticipated, His Servants and Officers compelled to lend great Sums of Money; Multitudes were called to the Council Table, who were retired with long attendances there, for refusing illegal Payments.

The



Decemb.  
1641.

The Prisons were filled with their Commitments; many of the Sheriffs summoned into the *Star-Chamber*; and some imprisoned for not being quick enough in levying the Ship-Money, the People languished under Grief and Fear, no visible hope being left, but in desperation. The Nobility began to be weary of their Silence and Patience, and sensible of the duty, and trust which belongs to them: and thereupon some of the most eminent of them did Petition his Majesty at such a time when evil Counsels were so strong, that they had reason to expect more hazard to themselves, then redress of those publick Evils for which they interceded: whilst the Kingdom was in this agitation and distemper, the Scots restrained in their Trades, Impoverished by the loss of many of their Ships, bereaved of all possibility of satisfying his Majesty, by any naked Supplication, entered with a powerful Army into the Kingdom, and without any Hostile Act or Spoil in the Country as they passed, more than forcing a Passage over the Tyne at *Newborne*, near *New-Castle*, possessed themselves of *New-Castle*, and had a fair opportunity to press on further upon the King's Army: but Duty and Reverence to his Majesty, and brotherly love to the *English* Nation, made them stay there, whereby the King had leisure to entertain better Counsels; wherein God so blessed and directed him, that he summoned the great Council of Peers to meet at *York*, upon the twenty fourth of *September*, and there declared a Parliament to begin the Third of *November* then following. The Scots the first day of the great Council, presented an humble Petition to His Majesty, whereupon the Treaty was appointed at *Rippon*. A present Cessation of Arms agreed upon: and the full Conclusion of all Differences referred to the Wisdom and Care of the Parliament. At our first Meeting, all Oppositions seemed to vanish, the Mischiefs were so evident, which those Evil Counsellors produced that no Man durst stand up to defend them. Yet the Work it self afforded difficulty enough. The multiplied Evils and Corruption of sixteen years strengthened by Custom and Authority, and the concurrent Interest of many powerful Delinquents were now to be brought to Judgment and Reformation. The King's Household was to be provided for, they had brought him to that Want, that he could not supply his ordinary and necessary Expences, without the Assistance of his People. Two Armies were to be payed, which amounted very near to eighty thousand Pounds a Month; the People were to be tenderly charged, having bin formerly exhausted with many burthensome Projects.

The difficulties seemed to be insuperable, which by the Divine Providence we have overcome. The Contrarieties in-compatible, which yet in a great measure we have reconciled. Six Subsidies have been granted, and a Bill of Poll-Money, which if it be duly levied may equal six Subsidies more, in all six hundred thousand pounds. Besides we have contracted a Debt to the Scots of 220 thousand pounds; and yet God hath so blessed the endeavours of this Parliament, that the Kingdom is a great gainer by all these charges. The Ship-Money is abolished which cost the Kingdom above two hundred thousand pounds a year. The Coat and Conduct Money, and other Military charges, are taken away, which in many Countries amounted to little less then the Ship-Money. The Monopolies are all suppressed, whereof some few did prejudice the Subject, above a Million yearly. The Soap an hundred thousand pounds; the Wine three hundred thousand pounds; the Leather must needs exceed both: and Salt could be no less then that; besides the inferior Monopolies, which if they could be exactly computed, would make up a great Sum. That which is more beneficial then all this is, that the root of these evils is taken away which was the Arbitrary Power pretended to be in his Majesty, of Taxing the Subject, or charging their Estates without consent in Parliament, which is now declared to be against Law, by the judgment of both Houses, and likewise by an Act of Parliament. Another step of great advantage is this: the living Grievances, the evil Counsellors and Actors of these Mischiefs have been so quelled, by the Justice done upon the Earl of *Strafford*, the flight of the Lord *Finch*, and Secretary *Windibank*, The Accusation and Imprisonment of the Archbishop of *Canterbury*, of Judge *Bartlet*, and the Impeachment of divers other Bishops and Judges, that it is like not only to be an ease to the present times but a preservation to the future. The discontinuance of Parliaments is prevented by the Bill for a Triennial Parliament, and the abrupt dissolution of this Parliament by



December

1641.

by another Bill: by which it is provided, it shall not be dissolved or adjourned without the consent of both Houses.

Which two Laws well considered, may be thought more advantageous than all the former, because they secure a full Operation of the present Remedy, and afford a perpetual Spring of Remedies for the future: The Star-Chamber, the High Commission, the Courts of the President, and Council in the North, where so many Forges of misery, oppression, and violence, and are all taken away, whereby men are more secured in their Persons, Liberties, and Estates, then they could be by any Law or Example for the regulation of those Courts, or terrour of the Judges; the immoderate Power of the Council-Table and the excessive abuse of that Power is so ordered and restrained, that we may well hope that no such things as were frequently done by them, to the prejudice of the publick Liberty, will appear in future times but only in stories, to give us and our Posterity more occasion to praise God for his Majesties goodness, and the faithful endeavours of this Parliament. The Canons and the power of Canon making, are blasted by the Vote of both Houses. The exorbitant power of Bishops and their Courts, are much abated, by some Provisions in the Bill against the High Commission Court. The Authors of the many Innovations in Doctrine and Ceremonies; the Ministers that have been scandalous in their lives, have been so terrified in just Complaints and Accusations, that we may well hope they will be more modest for the time to come; either inwardly convicted by the sight of their own folly, or outwardly restrained by the fear of punishment. The Forrests are by a good Law reduced to their right bounds; the encroachments and oppressions of the Stannery Courts; the extorsions of the Clerk of the Market, and the compulsion of the Subject to receive the Order of Knighthood against his will, paying of Fines for not receiving it, and the vexatious proceedings thereupon for Levying of those Fines, are by other beneficial Laws reformed and prevented. Many excellent Laws and Provisions are in preparation for removing the inordinate power, vexation, and usurpation of Bishops, for reforming the Pride and Idleness of many of the Clergy, for easing the People of unnecessary Ceremonies in Religion, for censuring and removing unworthy and unprofitable Ministers; and for maintaining Godly and diligent Preachers through the Kingdom: Other things of main importance for the good of this Kingdom are in proposition, though little could hitherto be done, in regard of the many other more pressing businesses, which yet before the end of this Session, we hope may receive some progress and perfection. The Establishing and ordering the Kings Revenue, that so the abuse of Officers, and superfluity of expences may be cut off, and the necessary disbursements for his Majesties Honour, the Defence and Government of the Kingdom, may be more certainly provided for. The regulating of Courts of Justice, and abridging both the delays and charges of Law Suits; the settling of some good courtes for preventing the exportation of Gold and Silver, and the inequality of exchanges betwixt us and other Nations, for the advancing of Native Commodities, increase of our Manufactures, and well ballancing of Trade, whereby the Stock of the Kingdom may be increased, or at least kept from impairing; as through neglect hereof it hath done for many years last past; For improving the Herring fishing, upon our own Coasts, which will be of mighty use in the employment of the Poor, and a plentiful Nursery of Marriners for enabling the Kingdom in any great Action. The oppositions, obstructions, and other Difficulties wherewith we have been encountred, and which still lye in our way with some strength and much obstinacy are these: the malignant Party whom we have formerly described, to be the Actors and Promoters of all our Misery, they have taken heart again; they have been able to prefer some of their own Factors and Agents to degrees of Honour, to places of Trust and Employment even during the Parliament. They have endeavoured to work in his Majesty ill Impressions and Opinions of our Proceedings, as if we had altogether done our own work, and not his, and had obtained from him many things very prejudicial to the Crown, both in respect of Prerogative and Profit. To wipe out this slander, we think good only to say thus much: That all that we have done, is for his Majesty, his Greatness, Honour, and Support, when we yielded to give twenty five thousand pounds a Month for the relief of the Northern



Decemb.

1641.

thern Countries, this was given to the King, for he was bound to protect his Subjects, they were his Majesties evil Counsellors, and their ill instruments that were Actors in those Grievances which brought in the *Scots*: and if his Majesty please to force those who were the Authors of this War to make satisfaction, as he might justly and easily do, it seems very reasonable that the people might well be excused from taking upon them this burthen; being altogether innocent and free from being any causes of it.

When we undertook the Charge of the Army, which cost above 50000 *l.* a Month, was not this given to the King? was it not his Majesty's Army? were not all the Commanders under Contract with his Majesty at higher rates and greater wages then ordinary? and have we not taken upon us to discharge all the Brotherly assistance of three hundred thousand pounds which we gave the *Scots*? was it not toward repair of those damages and losses which they received from the Kings Ships, and from his Ministers? These three particulars amount to above 1100 thousand pounds, besides his Majesty hath received by impositions upon Merchandise at least 400 thousand pounds; so that his Majesty hath had out of the Subjects Purse since the Parliament began, one Million and an half, and yet these Men can be so impudent, as to tell his Majesty, that we have done nothing for him. As to the Second Branch of this slander, we acknowledge with much thankfulness that his Majesty hath passed more good Bills to the advantage of the Subjects then have been in many ages; but withal we cannot forget, that these venomous Councils did manifest themselves in some endeavours to hinder these good Acts: and for both Houses of Parliament we may with truth and modesty say thus much, That we have ever been careful not to desire any thing that should weaken the Crown either in just profit or useful power. The Triennial Parliament, for the matter of it, doth not extend to so much as by Law we ought to have required, there being two Statutes still in force for a Parliament to be once a year; and for the manner of it, it is in the Kings Power, that it shall never take effect, if he by a timely Summons shall prevent any other way of assembling. In the Bill for continuance of this present Parliament, there seems to be some restraint of the Royal Power in dissolving of Parliaments, not to take it out of the Crown, but to suspend the execution of it for this time and occasion only, which was so necessary for the Kings own security, and the publick Peace, that without it we could not have undertaken any of these great charges, but must have left both the Armies to disorder and confusion, and the whole Kingdom to Blood and Rapine. The Star-Chamber was much more fruitful in Oppression then in profit, the great Fines being for the most part given away, and the rest stalled at long times. The Fines of the High Commission were in themselves unjust and seldome or never came into the Kings Purse. These four Bills are particularly and more specially instanced, in the rest there will not be found so much as a shadow of prejudice to the Crown. They have sought to diminish our reputation with the people, and to bring them out of love with Parliaments; the aspersions which they have attempted this way, have been such as these, that we have spent much time and done little, especially in those Grievances which concern Religion. That the Parliament is a burthen to the Kingdom by the abundance of Protections which hinder Justice and Trade, and by many Subsidies granted, much more heavy then any they formerly endured; to which there is a ready Answer: if the time spent in this Parliament be considered in relation backward to the long growth and deep root of those Grievances, which we have removed, to the powerful supports of those Delinquents, which we have pursued, to the great necessities and other charges of the Commonwealth for which we have provided: or if it be considered in relation forward to many advantages, which not only the present, but future Ages are like to reap by the good Laws and other Proceedings in this Parliament, we doubt not but it will be thought by all indifferent judgments, that our time hath been much better employed then in a far greater proportion of time in many former Parliaments put together; and the charges which have been laid upon the Subject, and the other inconveniencies which they have born, will seem very light in respect of the benefit they have had and may receive. And for the matter of Protections, the Parliament is so sensible of it that therein they intend to give them whatsoever ease



Decemb.

1641.

may stand with Honour and Justice; and are in a way of passing a Bill to give them satisfaction. They have sought by many subtle practices, to cause Jealousies and divisions betwixt us and our Brethren of *Scotland*, by slandering their proceedings and intentions towards us, and by secret endeavours to instigate and incense them and us one against another. They have had such a Party of Bishops and Popish Lords in the House of Peers as hath caused much opposition and delay in the Prosecution of Delinquents, and hindred the Proceedings of divers good Bills passed in the Commons House, concerning the reformation of fundry great abuses and corruptions both in Church and State. They have laboured to seduce and corrupt some of the Commons House, to draw them into Conspiracies and Combinations against the Liberty of the Parliament: And by their instruments and Agents they have attempted to disaffect and discontent his Majesties Army, and to engage it for the maintenance of their wicked and Traiterous Designs, the keeping up of Bishops in Votes and Functions, and by force to compel the Parliament to order, limit, and dispose their proceedings in such manner as might best concur with the intentions of this dangerous and potent Faction: And when one mischievous Design, and Attempt of theirs to bring on the Army against the Parliament, and the City of *London* had been discovered and prevented, they presently undertook another of the same damnable Nature, with this Addition to it, to endeavour to make the *Scottish* Army neutral, whilst the *English* Army which they had laboured to corrupt and invenome against us by their false and slanderous suggestions, should execute their Malice to the subversion of our Religion, and the dissolution of our Government. Thus they have been continually practising to disturb the Peace, and Plotting the Destruction even of all the Kings Dominions, and have employed their Emissaries and Agents in them, all for the promoting of their Devilish Designs, which the vigilancy of those who were well affected hath still discovered and defeated before they were ripe for Execution in *England* and *Scotland*; only in *Ireland* which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection that they had possessed themselves of that whole Kingdom, totally subverted the Government of it, rooted out Religion, and destroyed all the Protestants whom the conscience of their duty to God, their King and Country would not have permitted to joyn with them, if by Gods wonderful providence their main enterprize upon the City and Castle of *Dublin*, had not been detected and prevented upon the very Eve before it should have been executed. Notwithstanding they have in other parts of that Kingdom broken out into open Rebellion, surprized Towns and Castles, Committed Murders, Rapes, and other Villanies; and shaken off all bonds of obedience to his Majesty, and the Laws of the Realm; and in general have kindled such a fire, as nothing but Gods Infinite Blessing upon the wisdom and endeavours of this State will be able to quench it: and certainly had not God in his great Mercy unto this Land discovered and confounded their former Designs, we had been the Prologue to this Tragedy in *Ireland*, and had by this time been made the lamentable spectacle of Misery and Confusion. And now what hope have we but in God, when as the only means of our subsistence, and Power of Reformation is under him, in the Parliament? but what can we the Commons without the conjunction of the House of Lords; and what conjunction can we expect there, where the Bishops and Recusant Lords, are so numerous and prevalent, that they are able to Cross and Interrupt our best endeavours for Reformation, and by that means give advantage to this malignant party to traduce our Proceedings? They infuse into the People, that we mean to abolish all Church-Government, and leave every Man to his own Fancy for the Service and Worship of God, absolving him of that obedience, which he owes under God unto his Majesty, whom we know to be intrusted with the Ecclesiastical Law, as well as with the Temporal, to regulate all the Members of the Church of *England*, by such Rules of Order and Discipline as are established by Parliament which is his great Council, in all Affairs both in Church and State. We confess our Intention is, and our Endeavors have been to reduce within Bounds that exorbitant Power which the Prelates have assumed unto themselves so contrary both to the Word of God, and to the Laws of the Land,



to which end we past the Bill for the removing them from their Temporal Power and Employments, that so the better they might with Meekness apply themselves to the discharge of their Functions, which Bill themselves opposed, and were the principal Instruments of crossing it.

And we do here declare, that it is far from our purpose or desire to let loose the golden Reins of Discipline and Government in the Church, to leave private Persons or particular Congregations to take up what form of divine Service they please; for we hold it requisite that there should be throughout the whole Realm a Conformity to that Order which the Laws enjoin, according to the Word of God: and we desire to unburthen the Consciences of Men of needless and superstitious Ceremonies, suppress Innovations, and take away the Monuments of Idolatry. And the better to effect the intended Reformation: we desire there may be a general Synod of the most Grave, Pious, Learned and Judicious Divines of this Island, assisted with some from foreign Parts Professing the same Religion with us, who may consider of all things necessary for the Peace and good Government of the Church, and represent the results of their Consultations unto the Parliament to be there allowed of and confirmed, and receive the Stamp of Authority, thereby to find Passage and Obedience throughout the Kingdom. They have maliciously charged us that we intend to destroy and discourage Learning, whereas it is our chiefest Care and Desire to advance it, and to provide a competent Maintenance for conscionable and preaching Ministers throughout the Kingdom, which will be a great Encouragement to Scholars, and a certain means whereby the want, meanness and ignorance to which a great part of the Clergy is now subject, will be prevented. And we intend likewise to reform, and purge the Fountains of Learning the two Universities, that the Streams flowing from thence may be clear and pure, and an Honor and Comfort to the whole Land. They have strained to blast our proceedings in Parliament, by wresting the Interpretations of our Orders from their genuine Intention. They tell the People that our meddling with the power of Episcopacy, hath caused Sectaries and Conventicles, when Idolatry and Popish Ceremonies introduced into the Church by the command of the Bishops, have not only debarred the people from thence, but expelled them from the Kingdom. Thus with *Eliab* we are called by this Malignant party the Troublers of the State, and still while we endeavor to reform their Abuses, they make us the Authors of those Mischiefs we study to prevent: for the perfecting of the work begun and removing all future Impediments, we conceive these Courses will be very effectual seeing the Religion of the Papists hath such Principles as do certainly tend to the Destruction and Extirpation of all Protestants when they shall have opportunity to effect it.

It is necessary in the first Place to keep them in such Condition, as that they may not be able to do us any hurt, and for avoiding of such connivence and favor as hath heretofore bin shewed unto them. That his Majesty be pleased to grant a standing Commission to some choice Men named in Parliament, who may take notice of their increase, their Counsels and Proceedings, and use all due means by execution of the Laws to prevent any mischievous designs against the Peace and Safety of this Kingdom. That some good Course be taken to discover the counterfeit and false Conformity of Papists to the Church, by color whereof Persons very much disaffected to the true Religion have been admitted into Place of greatest Authority and Trust in the Kingdom.

For the better preservation of the Laws and Liberties of the Kingdom, that all illegal Grievances and Exactions be presented and punished at the Sessions, and Assizes: and that Judges and Justices be careful to give this in charge to the Grand-Jury, and both the Sheriff and Justices to be sworn to the due execution of the Petition of Right and other Laws: That his Majesty be humbly petitioned by both Houses to imploy such Counsellors, Ambassadors, and other Ministers in managing his Business at Home and Abroad, as the Parliament may have Cause to confide in, without which we cannot give his Majesty such Supplies for support of his own Estate, nor such Assistance to the Protestant party beyond the Sea as is desired. It may often fall out that the Commons may have just Cause to take Exceptions at some Men for being Counsellors, and yet not charge those Men with Crimes, for there be grounds of Diffidence which lye not

Decemb.

1641.



Decemb.  
1641.

in Proof; there are others which though they may be proved, yet are not legally Criminal; to be a known favorer of Papists, or to have been very forward in defending or countenancing some great Offenders questioned in Parliament, or to speak contemptuously of either Houses of Parliament, or Parliamentary Proceedings, or such as are Factors or Agents for any Foreign Prince of another Religion, such as are justly suspected to get Counsellors Places, or any other of Trust, concerning publick Employment for Money: For all these and diverse others, we may have great reason to be earnest with his Majesty, not to put his great Affairs into such Hands, though we may be unwilling to proceed against them in any Legal way of Charge or Impeachment: that all Counsellors of State, may be sworn to observe the Laws which concern the Subject in his Liberty; that they may likewise take an Oath not to receive, or give Reward or Pension from any Foreign Prince, but such as they within some reasonable Time, discover to the Lords of his Majesties Council. And although they should wickedly forswear themselves, yet it may herein do good, to make them known to be False and Perjured to those who imploy them, and thereby bring them into as little Credit with them as with us; that his Majesty may have cause to be in love with good Council and good Men, by shewing him in an humble and dutiful Manner, how full of Advantage it would be to himself to see his own Estate settled in a plentiful Condition to support his Honor; to see his People united in Wayes of Duty to him, and indeavours for the Publick Good; to see Happiness, Wealth, Peace and Safety derived to his own Kingdom, and procured to his Allies by the Influence of his own Power and Government. That all good Courses may be taken to unite the two Kingdoms of *England* and *Scotland*, to be mutually Aiding and Assisting one another, for the common Good of the Island, and the Honor of both; to take away all Differences among our Selves, for Matters indifferent in their own Nature concerning Religion, and to unite our selves against the Common Enemies, which are the better enabled by our Divisions to destroy us, as they hope, and have often indeavoured to labor, by all Offices of Friendship to unite the Foreign Churches with us, in the same Cause, and to seek their Liberty, Safety and Prosperity, as bound thereunto, both by Charity to them, and by Wisdom for our own Good. For by this means, our Strength shall be increased, and by a mutual concurrence to the same common end, we shall be enabled to procure the good of the whole Body of the Protestant Profession. If these things may be observed, we doubt not, but God will Crown this Parliament, with such Success, as shall be the Beginning and Foundation of more Honour and Happiness to his Majesty, then ever yet was enjoyed by any of his Royal Predecessors.

Thursday,  
December 2.

A *Habeas Corpus* was this day also Ordered to be sent down to remove one *William Chorley* from *Lancaster Goal*, to be Examined of Matters of great Consequence.

His Majesty came this day to the House of Lords to pass the Bill for Tonnage and Poundage; and being late in the Chair of State, the King gave Command to the Gentleman-Usher to give the House of Commons notice to come up; who being come, after three Obeyfances made, their Speaker made this Speech, as followeth.

Most Dread Sovereign,

The Speakers  
Speech at the  
Passing the Bill  
for Tonnage  
and Poundage,  
Dec. 2. 1641.

**T**He Observation taken from the unlike Compositions, and various Motions of the World, made the Philosophers conclude, *Tota hujus Mundi Concordia, ex Discordibus constat.* The happy Conjunction of both these Nations in the Triumph and Joy of your Sacred presence, extracted from the different and divided Opinions, give us cause to observe and admire these blessed Effects from such contrary Causes; We may without Flattery commend your Sacred Majesty, as the glorious Instrument



strument of this happy Change, whose Piety and Prudence, directed by the hand of God, hath contracted this Union, from those various disorders.

\* The story of these times will seem Paradoxes in following Generations, when they shall hear of Peace sprung from the Root of Dissention; of Union planted upon the stock of Divisions; two Armies in the Field, both ready to strike the first blow, and both united without a stroke: Nothing can reduce these Truths into a belief; but the knowledge of your Piety and Justice, who have accomplished these Acts of Wonder, by Goodness and Gentleness, without Force or Violence.

This way of Conquest, this Bellum Incruentum, hath been the Rule of the most Valiant and Puissant Monarchs, advancing Your Glory, in the safeguard of one Subject more then in the Death of a Thousand Enemies. Thus have you Erected a Monument of Glory to your Sacred Memory for all Generations.

And as your Care and Piety for the welfare of your Northern Kingdom called you to that Work, for the great Comfort of your People, which your wisdom hath so happily consummated; so now the Distemper of your other Kingdom, fomented by the same Spirit, whose presence admits no Peace in Israel, calls on your Providence to heal the Diseases of that Nation.

The one from whence you returned hath with Abel, though the younger Brother, offered an acceptable Sacrifice; the other with Cain hath Erected Altars of Blood and Revenge, the Innovations of Jesuitical Priesthood, which Invokes the necessity of your Justice: the one to a Natural, hath added a Politic Brotherhood; the other of Brothers, I am sorry to say it, are become Strangers: The Fidelity of the one hath written a story of Admiration to the World; the Disloyalty of the other, hath Parallel'd that horrid Design, matchless before amongst all Generations; first their Intentions, the destruction of a Kingdom, even when Unity and Peace was tying the knot of Religion and Safety: In the Discovery, a moment of time prevented the Execution; In the Actors, Jesuits and Priests, without whom, the malice of the Devil could not have found a Party in the World, fitted to act over the like bloody Tragedy.

But this, among our many Joys, we receive by your happy return, is not the least, That that Providence which protected that Gracious King your most Religious Father from their bloody attempts, and encreased the blessing of a long and happy Reign, hath also defended your Sacred Throne from all their Machinations.

Thus we see, Religion is the greatest Policy, the never-failing support of King and Kingdom; that which firms you and your Posterity to your Throne, and our Duty and Obedience to it.

Give me leave here, most Gracious Sovereign, to sum up the sense of 11 Months Observation; without intermission, scarce of a day, nay an hour in that day, to the hazard of Life and Fortune, and to reduce all into this Conclusion, The endeavours of Your Commons Assembled, guided by Your Pious and Religious Example, is to preserve Religion in its Purity, without Mixture or Composition, against these subtle Invaders; and with our Lives and Fortunes to Establish these Thrones to your Sacred Person, and those Beams of Majesty, Your Royal Progeny, against all Treason and Rebellion.

The Way that conduces to this End, are the Defence of the Land and Sea; for the one we have already Voted to raise Money; for the other, this

Decemb.  
1641.

\* Most undoubtedly: Especially that Rebellion should be esteemed Loyalty, and the Ruin of the Church a Reformation.



Decemb.  
1641.

*this Bill in some Measure will accomplish for a little time ; and to that end, I, by the Command of the Commons, humbly beseech Your Royal Assent.*

This being done, the Bill was passed by His Majesty, according to the usual and accustomed Form. Then the King made this ensuing Speech.

*My Lords, and Gentlemen,*

The King's  
Speech after  
his Return  
from Scotland  
Dec. 2. 1641.

" I Think it fit, after so long absence, at this first occasion to speak a few words unto you : But it is no ways in Answer to Mr. Speaker's Learned Speech.

" Albeit I have stayed longer than I expected to have done when I went away, yet in this I have kept my promise with you, that I have made all the haste back again, that the settling of My *Scotch* Affairs could any ways permit. In which I have had so good success, that I will confidently affirm to you, that I have left that Nation a most peaceable and contented People : So that although I have a little misreckoned in Time, yet I was not deceived in My End.

" But if I have deceived your expectations a little in the time of My return, yet I am assured that My expectation is as much and more deceived in the condition wherein I hoped to have found some businesses at My return. For since that before My going I settled the Liberties of My Subjects, and gave the Law a free and orderly Course, I expected to have found My People reaping the Fruits of these benefits by living in quietness and satisfaction of mind : But instead of this, I find them disturbed with Jealousies, Frights and Alarms of dangerous Designs and Plots ; in Consequence of which, Guards have been set to defend both Houses. I say not this as in doubt that My Subjects Affections are any way lessened to Me in this time of My absence, for I cannot but remember, to My great comfort, the joyful reception I had now at my Entry into *London* ; but rather, as I hope, that My presence will easily disperse these Fears : For I bring as perfect and true Affections to My People, as ever Prince did, or as good Subjects can possibly desire. And I am so far from repenting Me of any Act I have done this Session for the good of My People, that I protest if it were to do again, I would do it ; and will yet grant what else can be justly desired, for satisfaction in point of Liberties, or in maintenance of the True Religion that is here Established.

" Now I have but one particular to recommend unto you at this time, it is *Ireland* ; for which though I doubt not your care, yet methinks the preparations for it go but slowly on. The occasion is the fitter for Me now to mention it, because of the Arrival of two Lords from *Scotland*, who come instructed from My Council there ( who now by Act of Parliament have full Power for that purpose ) to Answer that Demand, which it pleased both Houses to make of Me by way of Petition, that met Me at *Berwick* ; and which the Duke of *Richmond* sent back by My Command, to my *Scotch* Council. Therefore My desire is, That both Houses would appoint a Select Committee to end this business with these Noblemen.



" I must conclude in telling you , That I seek My Peoples Happiness ; For their Flourishing is My greatest Glory, and their Affections My greatest Strength.

Decemb.

I 6 4 I.

The King having Ended his Speech, he departed, and the Commons returned to their House.

Upon the Petition of the Bishop of Hereford, It was Ordered, That he having paid 60 l. for Poll-money, shall be freed from any farther Payments for the same, and shall not pay after the Rate of Tenths, because he is freed from paying of Tenths under the Great Seal of England, and that upon good and valuable Considerations, divers Mannors having been taken from the Bishoprick of Hereford, in the beginning of the Reign of Queen Elizabeth.

Bishop of Hereford excused from paying some part of his Pol-mony.

The Lord Chief Justice of the Kings-Bench Reported, That the Judges have considered the Laws and Statutes of this Kingdom, for preventing of Riots, Routs, and unlawful Assemblies, and they are of Opinion, That the best way is to issue forth Writs according to the Statute of 2 H. 5. cap. 8. Which Statute was presently read, and it was Ordered, That the Lord Keeper should forthwith issue forth Writs to the Sberiffs and Justices of the Peace of the City of London, and the Counties of Middlesex and Surrey, and to the Justices of the Peace of the City of Westminster, according to the aforesaid Statute, concerning Riots, Routs, &c. and the Judges to be advised withall for the Form of the said Writs.

Judges Report the Statutes in force against Riots, Routs, &c.

But the Tumults found too much Countenance among the Faction in the Commons House, where they were indeed promoted and encouraged, as is Evident by the adjournment of the consideration of them this day in their House, that having been yesterday ordered to be debated ; and so they were adjourned *de die in diem* ; which plainly manifests the tenderness they had for the Rioters, and the Use they intended to make of these Tumultuous and Unlawful Assemblies, which was to Terrifie the Lords to a compliance with their desires in cutting off a Limb from the Body of their House, by Excluding the Bishops, as before they had by the same Method prevailed in passing the Bill to cut off the Wife and Noble Head of the Earl of Strafford.

The Tumults encouraged by the Faction of the Commons.

Sir Ralph Hopton Reported, That last Night in the Evening the Committee appointed to attend His Majesty with the Petition of the House of Commons and the Declaration annexed, came to Hampton-Court, and Sir Richard Winn (I may name him upon this Occasion) gave his Majesty Notice of our being there ; and within a quarter of an hour, the King sent a Gentleman to call us in, with Directions that none should come in but the Committee alone, who did all of them present themselves upon their Knees, and my self, in obedience to the Order of the House in the Absence of \* another designed for that Service, did begin to read the Petition kneeling ; but his Majesty would not permit us to kneel, but commanded us all to rise, and so read it ; the first Observation His Majesty made, was at that part of the Petition, that charges the Malignant Party with the design to change Religion ; To which His Majesty said with a great deal of fervency, The Devil take him, whomsoever he be, that had a Design to change Religion. I then proceeded, and when I came to that part of the Petition, for reserving the disposal of the Lands of the Rebels in Ireland, &c. his Majesty was pleased to say, We must not dispose of the Bears Skin till he be dead. After the Petition was read, his Majesty desired to ask us some Questions ;

The Report how the King received the Petition and Declaration.

\* Sir Ed. Dering upon whom they had imposed this ingrateful Task, he being now fallen into their displeasure.



Decemb.

1641.

\* And yet it was carried before against Printing it but by 124 to 101 Votes upon Monday 22 No.

*Questions ; we answered, We had no Commission to speak any thing concerning this business. Then, said he, you may speak as particular men ; and said, Doth the House intend to publish this Declaration ? \* We answered, We could give no Answer unto it. Well then ! said He, I suppose you do not now Expect an Answer unto so long a Petition ; And this let me tell you, I have left Scotland well and in Peace, they are all satisfied with me, and I with them ; and tho I staid longer there than I Expected, yet I think if I had not gone, you had not been rid so soon of the Armies : I shall give you an Answer to this business with as much speed as the weightiness of the business will permit. And so He gave us all his Hand to kiss, and afterwards sent Mr. Comptroller to us with this Message to be delivered to the House, That there might be no publishing of the Declaration till the House had received his Majesties Answer. We were all Entertained by Mr. Comptroller with great Respect, and Lodged by the King's Harbinger.*

Mr. Jervaise Hollis restored to his place in the House of Commons.

This Day Mr. Jervaise Hollis, who had formerly been Expulsed the House for a Speech which he made with a great strength of Reason and Courage, but more heat than the Times would bear, against the tame Compliances with the *Scottish Army* then in *England*, was restored to his place to sit as a Member of the House of Commons.

The Debate about the Tumults, was, as it had been the day before, adjourned till to morrow.

Friday,  
Decemb. 3.  
Ammunition sent from the Tower for Ireland.

The Earl of Bath Reported the Conference had this Day with the Commons, *That they did let their Lordships know, That whereas there were divers Waggon and Carts loaden with Arms and Ammunition from the Tower of London, to be conveyed to West-Chester, and to be Shipped for Ireland which were but slenderly Guarded, therefore they desire that their Lordships would be pleased to joyn with them to move his Majesty, to give Order to the Sheriffs of the severall Counties through which they are to pass, That they may be guarded safely to West-Chester. To which the Lords agreed.*

*Also, That Information was given, That a Ship was lately discovered in Milford-Haven loaden with Arms and Ammunition, and that it is reported, the Men in her be French-men, but they speak English ; and that another Ship, as they are informed, is in the Haven of Aberdoney in Cardiganthire, and the Men buy up the Provisions of that Country ; That two Men which were in that Ship, they understand are now in Town. Whereupon, the Lords Ordered that they should be sent for, to be Examined concerning this business.*

It will possibly to some persons appear very superfluous, to take notice of such trifling passages as these Informations, and the Necessity of Guarding the Waggon to *West-Chester* ; but it is to be considered, That as trifling as these things now may seem to be, the Faction, industriously pickt up all such Informations, and made Extraordinary Use of these little Arts to facilitate their Great Design : for now the Kingdom was to be put into a Posture of Defence, as they termed it, that was, they intended to wrest from the King the Power of the Sword, the *Militia* of the Nation ; and nothing could be more serviceable to them, in amusing the People with imaginary Dangers of *French Ships* laden with Arms and Ammunition, and *French-men* that speak *English*, and consequently Fears of Forreign Invasions, &c. than these stories, which being spread abroad,



abroad, and sufficiently magnified by running from hand to hand, gave a Countenance to their unjust Demands of settling the Militia, and putting the Kingdom into this Posture of Defence.

The King having acquainted the Lords, That Certain Commissioners were come from *Scotland* to Treat with both Houses of Parliament concerning the Assistance for *Ireland*, and to settle all the Condition and State of the Warr, the Lords Appointed and Nominated the Earl of *Bedford*, and the Earl of *Leicester* Lord Lieutenant of *Ireland*, and the Lord *Howard* of *Escrick*; and the Commons, *Nathanael Fynes* Esquire, Sir *William Armyne* Baronet, Sir *Phillip Stapleton* Knight, and *John Hampden* Esquire, to be Commissioners to be Empowered by the King's Commission to Treat with the said *Scottish* Commissioners, who were to acquaint his Majesty and the Parliament with their Proceedings before they came to any final Conclusion.

The Council of the Impeached Bishops were called in to be heard in that affair, who informed their Lordships, *That the Cause will not be fit for hearing, until the Bishops have put in their Answers; for until then, there can be no Issue joyned, and they conceive no Answer can be made until the Charge be particular, therefore the Bishops abide by their Plea and Demurrer.*

Whereupon, the House Ordered, *That the Council for the Bishops shall be heard at the Barr what they can say in maintenance of the Plea and Demurrer to the Impeachment brought up from the House of Commons against the Bishops, on Tuesday the 7th of this instant December, at which time and place, the House of Commons, or such of their Members as they shall appoint, may be present if they please.* And a Message was sent by Sir *Robert Rich* and Dr. *Bennet* to acquaint them with this Order.

*Phillips* the Priest was this Day, according to a former Order, Bailed, upon conditions not to go to Court, &c. as before.

Two Bills were brought up from the Commons by Sir *William Lewis*, the One Entituled, *An Act for the better raising and levying of Soldiers, for the present Defence of the Kingdoms of England and Ireland.* The other, *For Relief of Captives taken by Turkish Pyrates, and to prevent the same for the time to come.*

Little of moment passed in the Commons House, besides the reading and passing the above named Bills and Messages before recited about the Bishops, &c. only, the Debate of the Tumults was again put off till to morrow, and Monsieur *St. Germain* a *French-man*, whose close Imprisonment with strict Orders, That no person should speak with him but in the presence of a Keeper, &c. which had made a mighty noise about the Town, and so answered the design why he was taken up, was this day by Order of the Commons discharged from his Imprisonment.

This day, Sir *George Whitmore*, Mr. *Cordall*, Mr. *Soame*, Mr. *Gayer*, Mr. *Garret*, Mr. *Wollaston*, and the two Sheriffs of *London*, being all Aldermen of the same City, together with the Recorder, by virtue of an Act of Common Council attended his Majesty at *Hampton-Court*, to render him the Thanks of the City for his gracious favour done them by affording them his Royal Presence, and giving so great Testimonies of his Affection and Kindness to the City. They were conducted to His Majesty by the Earl of *Dorset* Lord Chamberlain to the Queen, and Sir *Peter Wiche* Comptroller to his Majesty; where, after they had returned the Humble Thanks of the City to his Majesty for his former Favours, they offered these two humble Petitions,

Decemb.  
1641.

Commissioners of both Houses appointed to treat with the Scots Commissioners concerning Assistance for Ireland.

The Bishops Plea and Demurrer to be argued Tuesday Dec. 7.

Phillips the Priest bailed.

St. Germain the French man released.

Several Aldermen with the Sheriffs and Recorder of London attend the King at Hampton-Court.



Decemb.

1641.

They disavow  
the Tumults.

First, That their Majesties would vouchsafe this Honor to the City, if it might stand with their good Pleasures, to make their Residence at this Season of the Year at the Palace of Whitehall.

The Second was, That whereas since his Majesties happy Return, there had been some late disorders at Westminster, among some People met there; That their Majesties would not impute this to the Body of the City, or to the better sort of Citizens, That they held it a Misfortune and a Scandal unto them, that when those Disorders were mentioned, the City was named with it; and that their desire was to vindicate themselves, and in some sort redeem their Credit by publickly disavowing it.

To which the King was pleased graciously to Answer,

That he was very well pleased with the Hearty and Loyal Affections of the Citizens, for which he gave them great Thanks; and though He and the Queen had before purposed to Winter at Hampton-Court, yet being now fully persuaded, that the Lord Mayor and Aldermen, and the most considerable Citizens of London, had not any hand in the Disorders and Tumults at Westminster, he intended, and so he knew Her Majesty would, to alter his Resolution, and with all convenient Speed repair to White-hall, there to keep their Christmas, and be ready to do any thing else, that might promote the Trade of the City, hoping they would joyn with him in taking some Course for prevention of the like Disorders for the future.

The King pro-  
mises to keep  
his Christmas  
at White-Hall.Several Alder-  
men of the Ci-  
ty of London  
Knighted.

After which the Recorder and Sir George Whitmore having kissed his Royal Hand, the next Alderman in Seniority kneeled down, to receive the same Favour, when his Majesty, instead thereof, drawing a Sword, conferred the Honor of Knighthood upon Five of them and the two Sheriffs, the Recorder and Sir George Whitmore having received that Favor before: After which they were nobly Entertained by his Majesties Command, by the Earl of Dorset and Mr. Comptroller at Dinner; and His Majesty and the Queen sent two Gentlemen to let them know, That they had remembred the Health of the Lord Mayor and the whole City; And so to the Mutual Satisfaction both of his Majesty and the City, to whom they were to carry this account, they returned to London. But all these fair hopes were quickly blasted in the bud, and that Loyal Party of the City were deprived by the Envy of that Domineering Faction, who dispossessed them not long after by Force and Tumults, not only of all Power of Assisting his Majesty, but of protecting themselves from most Barbarous Outrages and Violences.

Mr. Pym and others were this day appointed to be a Committee to prepare Heads for a Conference with the Lords, and to acquaint them what Bills this House hath passed and sent up to their Lordships which much concern the Safety of the Kingdom, but have had no Consent of their Lordships unto them; and that this House being the Representative Body of the whole Kingdom, and their Lordships being but as particular Persons, and coming to Parliament in a particular Capacity, that if they shall not be pleased to consent to the passing of those Acts, and others necessary for the Preservation and Safety of the Kingdom, That then this House together with such of the Lords that are more sensible of the Safety of the

King-



Kingdom, may joyn together, and represent the same to his Majesty. They are likewise to take into Consideration some Course for the Guarding of the Towns of Hull and Newcastle.

Decemb.  
1641.

Thus early did the *Democratique* spirit begin to shew it self, and their telling the Lords that they came to the Parliament and sate there only as particular persons, that is, in a private Capacity, is a clear Testimony what a Mean Esteem they had of that Honourable and Supream Court of Judicature, and what little Interest they thought they had in the Management of Publique Affairs; and in Effect a plain intimation what they were to Expect if they did not joyn with the Faction in what ever they should Vote was for the Good, the Preservation and Safety of the Kingdom.

The Faction indeed, now began to be so Rampant in the Commons House, they Encouraging the Tumults and the Tumults Enlivening them, that Speaker *Lenthall* either grew weary of the Chair, or at least, in hopes of getting something for holding it longer, to pretend so; and I find in the Paper-Office two Letters of his to Sir *Edward Nicholas*, bearing date as this day, to that purpose; had he then had the good Fortune to quit that Seat, he might have Escaped the Brand of Infamy which to the Worlds End will lye upon his Name, for being the Mouth of that House, which pronounced so many Miseries, Murders, Warrs, Destructions, Desolations and Dismal Events to the *English* Nation. The Letters were in these Words:

Right Honorable, most Noble Sir,

**T**HE Assurance of your Nolle Favours, imboldens me to commit to your Care, the greatest Concernment that ever yet besel me; the Desire being enforced by an unavoydable Necessity. I have now in this Employment spent almost 14 Months, which hath so Exhausted the Labours of 25 Years, that I am enforced to fly to the Sanctuary of His Sacred Majesty's Mercy. Could I suppose, that my humble Suit, grounded on the full Expression of Duty and Obedience, should have other interpretation, or seem unfit in the deep Judgment of his Sacred Majesty, I should then desire my Thoughts might perish in their first Conception, so willing am I to offer my Self and Fortune a Sacrifice for his Royal Service: but in that I hope it cannot, I must humbly desire your Honor, on my behalf, in the lowest posture of Obedience, to craze of his Sacred Majesty his Royal Leave, that I may use my best Endeavours to the House of Commons, to be quit of this Employment, and to retire back to my former private life, that whilst I have some ability of Body left, I may endeavour that, without which, I cannot but Expect a Ruin, and put a badge of Extream Poverty upon my Children. The apprehension of my speedy Ensuing misery, is that hath begot this most humble Request, but still with that due regard of my Obedience and Duty, that no Earthly consideration shall ever Encourage the least of Thoughts, that may tend to the retardment of his Royal Commands. Sir, This being presented to your Honourable Care, assures me of such a Successful way, as shall ever become the Duty of me, his meanest Subject, in all humility to beseech. Thus am I imboldened humbly to declare the Resolution and Desires of

Speaker *Lenthall's* Letter to Sir *Edward Nicholas*, to be quit of the Chair.

Your Honors most Obedient Servant,

Decemb. 3. 1641.

*William Lenthall.*



Decemb.

1641.

But his Heart misgiving him it seems, and for fear the King should take him at his Word, and leave him to his Liberty to propose to the House the choice of a new *Speaker*, he inclosed in the former another Paper in these words :

Right Honourable,

**M**A I it please your Honor, if this other Way do not take, if you may find opportunity, without prejudice to your self, let me intreat you to incline his Majesty, to recommend me to the Consideration of the House, by which means, I may hope of some satisfaction: but this is totally left to your Honor's Consideration as opportunity offers, and your Honor thinks fit in your own Judgment. Thus humbly Craving pardon for this great Presumption, I can safely say no man lives that is more

Your Honors most humble Servant,

*William Lenthall.*

Saturday,  
Decemb. 1.

The Lord Keeper being indisposed, craved leave of the House to retire for some time for the Recovery of his health; which being granted, this day the Lord Chief Justice of the *Common-Pleas*, by the Command of the House sate as *Speaker*, the Lord Privy Seal having performed the Office for some part of the day preceding.

And little of moment passed this day more then that the Lord Chamberlain was appointed to move his Majesty to Command the Sheriffs of the several Counties through which the Arms and Munition were to pass to *Chester*, to take Care of the Safe Guarding of them.

*Chillingworth*  
sent to the  
Tower for  
words spoken  
in the House.

In the Commons House Mr. *Chillingworth* a Member was sent to the Tower, for speaking some words which gave offence to the House, by declaring his judgment, in offering at his Instances concerning deposing of Princes. It was too early day yet to broach these Doctrines, and the Gentleman was to be made an Example for this rash Intemperance of his Tongue; and certainly the Faction could not, if it had been a forelaid occasion, have done themselves a more Serviceable and Popular kindness; for this was to let the whole Nation know, that they had such a tenderness of Loyalty and Duty for the King, that their chaste Ears could not indure the ingrateful sound of Deposing Kings, though in Instances of the remotest distance; and then the natural Consequence of this must be, That they who had such aversions and abhorrency to Treasonous Positions, and Presidents at such a Distance, could have no evil Intentions against their King, though they asked of him to divest himself of the Power of the Sword, and other Royal Privileges, and in effect all that made him an Actual, or more then a Titular King.

Mr. *Daniel O Neal* was this day again Examined concerning the Plot of bringing up the Army against the Parliament.

The consideration of the Tumults was this day also put off again.

Monday,  
Decemb. 6.

Little was done this day in the House of Lords, more then reading of the Bill for Captives taken by *Turkish* Pyrats, and the Bill for Raising Men for the defence of *England* and *Ireland*, which received many alterations and amendments, which were to be delivered to the Commons at a Conference.

In



In the Commons House Mr. Glyn Reported from the Committee the Reasons to be offered to the Lords, for admitting this House to bring their proof against the 13 Bishops formerly Impeached.

Decemb.  
1641.

*That the Committee conceive this Course to be most fit to be held in the management of this Conference, to make a Narration of the Proceedings since the first Impeachment, and of the Votes of both Houses concerning the Canons.*

*First, That it is Voted by both Houses, That the Canons, &c. made by the late Convocation, do contain in them matters contrary to the King's Prerogative, to the Fundamental Laws of the Land, against the Liberty of the Subject, the Property of their Estate, and tending to Sedition, and of dangerous Consequence.*

*That these Canons being thus Voted by both Houses of Parliament, and to bring the Principal of the Persons in the making of those Canons to Judgment, according to their demerit. The House of Commons did the 4th of August last, by word of Mouth, Impeach at the Bar of the House of Lords these 13 Bishops by name, and then desired, That they might be put to Answer in the presence of the Commons: That because some Objections were made, That that Impeachment was too general, the House of Commons did the 13th of the same Month Impeach the said Bishops at the Bar of the Lords House, and this Impeachment to be read at the Conference; which did declare, That All and every the said Canons, &c. were and are contrary to the King's Prerogative, and the Fundamental Laws of the Land, &c. And were so contrived, made, and promulged by them, &c. And that therefore they might be put to Answer in the presence of the Commons.*

*That in both these Charges, the Commons did desire that the 13 Bishops might be put to Answer in the presence of the Commons. That afterwards the Bishops had several days given them to Answer, and at last, the 10th of November last was appointed peremptorily unto them to Answer: That when the 10th of November came, these Bishops put in a Writing which they call, A Plea and Demurrer, which Writing the Lords sent down to the House of Commons; upon notice of which Writing, which they term, A Plea and Demurrer, wherein they neither confess nor deny the Fact; this House did desire the Lords to appoint a Day when they might come and make good their Charge against them.*

*That the Lords sent a Message to this House, that they had Ordered to Morrow to hear the Council of the Bishops upon their Plea and Demurrer; and that such Members of this House, as the House shall think fitting, may be there present. This for the matter of the Narration.*

*That upon this the Committee have drawn these Conclusions, That it appeareth by the Message from the Lords, they were Impeached 4th Augusti; and that divers days were given them to Answer, and peremptorily the 10th of November, 1641. That they made no Answer, but put in a Plea and Demurrer, as they call it: And that therefore their Demurrer ought not to be admitted, because their Defence ought not to be made to the Impeachment of the House of Commons, but in their presence, and that the Commons ought to be thereunto called: And that in all Courts of Justice it is so, that the Party concerned ought to be called to all Answers, Pleas and Demurrers; for otherwise mistakes might arise, which by being present might be rectified; as in this Case, for if the Commons had been present when the Bishops made their Answer, there would not have been*

The Reasons of the Commons to come to a hearing against the Bishops notwithstanding their Demurrer.



Decemb.  
1641.

been that mistake, for that upon search it appears, in the Lords Book, that the second Impeachment, whereby all Arguments of uncertainty were taken away, and which supplied any defects in the first, as in this particular [ All and Every the said Canons ] were so Expressed in the second Charge, and yet not so entred in the Lords Book of Journals, which would have been rectified, if the Commons had been present at their Answer. So in regard of this inconveniency, the Commons ought to have been admitted to be there present.

Next, that the Charge consisting of meer matter of Fact, not done above a year before, they ought to be called to Answer to the matter of Fact, and not to tender a thing called a Plea and Demurrer.

As also that the Commons conceive they ought to have been called, in this Case ; for that they have desired it in both their Charges, to be present at their Answer, and that it was their Right to have been called.

Further, They observe the long delay to the Commons, for that they having charged these 13 Bishops long since for meer matter of Fact, to be brought so late to Answer, may introduce great inconveniencies in this particular, and in the Consequences, and is not Exemplified by former Precedents.

That therefore upon these Grounds the Commons desire the Lords, they may be admitted to make good their proof against these 13 Bishops, and that they may be brought to Judgment.

Tuesday,  
Decemb. 7.  
Some Causes  
in Parliament  
determinable  
in no other  
Court.

It was this day Ordered by the Lords, That, Forasmuch as the Cause between Smith and Busby in a Writ of Error, decidable in no other Court but in Parliament, in regard the Suit was Commenced by Original Writ, and depending long before the Lords here, it having been sundry days attended for Argument with Counsel. And being it is a matter in Law, the presence of the Judges is thought needful, and so cannot be heard in the Term without prejudice to the several Courts of Westminster-Hall : It is therefore Ordered by this House, That the said Case shall be argued at this Bar on Thursday Sevensnight next, being the 16th of this Instant December, and the Judges are desired to be present at the said Argument. And further, That the Parties of either side, or their Council are to attend and come prepared for arguing and debating the Points in the said Case at their perils.

The following Commission to give Power to the English Commissioners of both Houses, to Treat with the Scots Commissioners touching the Affairs of Ireland was read, viz.

The King's  
Commission to  
several Lords  
and Commons  
to treat with  
the Scots Com-  
missioners  
concerning as-  
sistance for  
Ireland.

CHARLES by the Grace of God, &c. To Our right Trusty, and right Well-beloved Cousin William Earl of Bedford ; and to Our right Trusty, and right Well-beloved Cousin and Councillor Robert Earl of Leicester, Lieutenant General and Governor General of Our Realm of Ireland : as also to Our Trusty and right Well-beloved Edward Lord Howard of Escrick : and likewise to Our Trusty and right Well-beloved Nathanael Fines Esq; Sir William Armyn Baronet, Sir Philip Stapleton Knight, John Hampden Esq; Greeting. Know ye, That We reposing assured Trust and Confidence in your approved Wisdoms, Fidelities, and great Abilities, have Nominated, Constituted and Appointed you to be our Commissioners, and by these presents do give full Power and Authority unto you, or any Three or more of you, whereof the said Earl of Bedford, Earl of Leicester,



Leicester, or Lord Howard to be one, to Treat and Consult with Our Right Trusty, and Right Well beloved Cosins William Earl of Lothian, and John Earl of Lindsay Our Commissioners of Our Scottish Nation, of and concerning Our Irish Affairs, for the quieting and suppressing of all Tumults, Insurrections and Rebellions moved, and raised in Our Realm of Ireland, and settling Peace and Tranquillity therein according to such Instructions, and Directions, as you shall hereafter from time to time receive from Us in that behalf. Wherefore We Will, Require, and Command you, or any three or more of you, whereof the said Earl of Bedford, Earl of Leicester, and Lord Howard to be one, forthwith, with all diligence to attend the Execution of this Our Commission accordingly: And whatsoever you shall do in this behalf, according to the Tenor hereof, this Our Commission shall be your sufficient Warrant and Discharge for the same. Witness Our Self at Westminster the 7th day of December, in the 17th Year of Our Reign, &c.

Decemb.  
1641.

The late Bishop of Lincoln now Archbishop of York, Reported the Conference with the Commons Yesterday concerning the Impeached Bishops, which because it differs from the Heads Reported for that purpose by Mr. Glyn in the Commons Journal, I thought it not amiss to insert.

Late Bishop of Lincoln, now Archbishop of York, Reports the Conference concerning the Bishops Impeached.

His Grace Reported, That Mr. Glyn said, That the Knights, Citizens and Burghesses of the House of Commons, having lately received a Message from their Lordships, that their Lordships had appointed this day to hear the Plea and Demurrer of the Bishops, and that such of the House of Commons might be there as they thought fitting, commanded him to deliver unto their Lordships these Particulars.

That the Canons and Constitutions in Question were voted by both Houses to contain Matters contrary to the King's Prerogative, the Laws of the Land, the Right of Parliament, the Propriety and Liberty of the Subject, and many matters tending to Sedition and of dangerous Consequence. That thereupon, the House of Commons to the intent to bring this Matter to Judgment, brought up their Impeachment of the 13 Bishops 4th Augusti last, which was read verbatim. This was all that was acted 4<sup>o</sup> Augusti.

But lest this Impeachment might prove too general, they brought up a second Charge or Impeachment 13 Augusti, which was read in hæc verba.

Whereas the Knights, Citizens, &c. which to avoid Tautologies, the Reader may see before in the Transactions of the 13 August.

By the bringing of this second Impeachment, the House of Commons conceive, they had satisfied two main Objections,

(1.) That the Book of Canons and Constitutions, was not particularly instanced upon in the first, which now they punctually deliver with the Impeachment.

(2.) That they had not before charged any thing in particular, but now they did; That all and every the said Canons and Constitutions, and Grants of Benevolence, &c. were and are contrary, &c. as in the Vote. And hereupon they desired the 13 Bishops might be put to their Answers; and yet for all this Desire of the Commons 13. Augusti, they had several times, which spent almost a Quarter of a Year, given them to answer in. Their last and peremptory day was the 10th of November last, and then they put in



Decemb.  
1641.

*in no Answer at all, but a certain Writing, which they are pleased to call a Plea and Demurrer. Upon notice hereof, the House of Commons returned an Answer, That whereas, they had impeached 13 Bishops, whereof one of them had pleaded Not Guilty, and the rest had neither confessed nor denied the Impeachment; they desired a prefixed day to descend to Proofs, and make good the Charge.*

*Soon after, they received a Message from their Lordships, That their Lordships had appointed this day to hear the Demurrer argued; Hence it appears, That notwithstanding divers daies are given to the Bishops to answer, nothing is brought in but a Plea and Demurrer, which was not to be admitted for two several Reasons.*

*(1.) No Defence ought to be made to an Impeachment brought in by the Commons, but in the presence of the Commons; and it ought to be so, in all Courts of Justice in all manner of Pleadings, Answering and Replying, else abundance of mistakes would happen of all sides, which the presence of the Parties might prevent. As for Example in this particular, Had the House of Commons been present, there had not happened so many Jeofailes and Mistakes.*

*And because Demurrers arise ordinarily from the incertainty of the Charge, the second Impeachment was of purpose brought in to avoid incertainties; because the particulars omitted in the first, were supplied in the second.*

*The Book was appended to the second, but not to the first Impeachment, but the second was not entred as it was delivered, and so this Cause of so much Consequence hath been delayed.*

*(2.) Because, posito, sed non concessio, put the Case, the Commons ought not to be called upon, and to be present at other defences, yet ought they to be in all defences made in this Case, because they had conceptis verbis, in precise words desired it, which they did, because this is a Fecit, aut non fecit, a meer matter of Fact, and the Bishops ought to have clearly answered such a matter of Fact, that the House of Commons might presently have descended to their Proofs, according to the Old Law, Est, non est, de omni re verum est.*

*That the House of Commons had Commanded him to put their Lordships in mind, That long time given in Causes of this Nature, produce great Inconveniencies, and that this kind of proceeding, is not presided in former Parliaments; for this Course would keep all Causes from being Heard, and Delinquents from being Questioned.*

*Super totam materiam he demanded in the Name of the House of Commons, one of these 3 things to be granted, (1.) That the Demurrer might be rejected. (2.) That their Lordships would proceed to Judgment. (3.) Or at least that the House of Commons might be admitted to make their proof without further delay.*

*This being done, the Council for the Bishops were called in, and heard the second Impeachment of the 13th of August last, read; and then the Council desired some short day to consider, what Answer the Bishops should make thereunto.*

*Hereupon it was Ordered, That the 13 Bishops impeached, shall put in their Answers to the aforesaid Impeachment on Saturday next, or Resolve whether they will abide by their Plea and Demurrer.*

*In the House of Commons a Petition of several Officers of the late Army*



Army was read, to remind the House of their promise concerning the Payment of their Arrears, but nothing was done upon it.

The Bill for waving of Protections was also Reported, and Ordered to be re-committed.

A Bill was also brought in for making Lord General of all the Forces within the Kingdom of *England*, and Dominion of *Wales*, and Lord High Admiral of *England*; and being read, it was put to the Question for a second Reading, thereupon the House divided, with the *Yea* was 105, with the *No* 158: So that hopeful project was nipped in the Bud, and passing in the Negative, it was rejected.

An Information was given, That a Barrel of Gun-Powder was gone to *Dorchester*, for a Barrel of Soap. And one would think that such a trifling matter, which in all probability was a perfect mistake, and had it been real could be of no great moment, should not have been thought worth the notice of a House of Commons; but every little thing that contributed to inhanse the Fears of the People was laid hold of, to inflame their apprehension of Dangers; and the care they took in these little inconsiderable Affairs, did strangely Augment their Reputation in the esteem of the common People, who looked upon them as the most diligent and vigilant Patriots that ever sat within those Walls, whose Care was as great as their Intelligence was quick and universal: and therefore to countenance and encourage Informations they despised none; for even for this single Barrel of Powder, an Order of the House of Commons was directed to the Justices of the Peace of *Dorchester*, to make diligent search for a Barrel of Gun-Powder, which the House of Commons was informed was sent down thither for for a Barrel of Soap, and to send an account of the matter to the House.

The Lord Keeper acquainted the House, That His Majesty had Com-manded him to signify to both Houses, That it is His Majesties desire, that both Houses would consider of, and prepare the Instructions, which the Commissioners of both Houses have for the treating with the Scots Commissioners touching the Occasions of Ireland, and that the same be presented to His Majesty.

That His Majesty further Commanded him to let both Houses know, That the French Ambassador hath presented a desire to His Majesty, That Eight Priests Condemned this Week, may not be put to Execution; but Banished or Imprisoned in this time, the rather, for that it may concern the settling of the Affairs in Ireland: which desire His Majesty promised should be Communicated to the Houses of Parliament, for their advice therein.

Though nothing in the World was a plainer Demonstration of the tender Inclinations of this Excellent Prince, which was so averse to whatever was Sanguinary; and that there was a very substantial Reason in common Policy, at this time, to comply with the request of the Ambassador, in regard it might be expected the *Irish* Rebels would Retalliate this Severity, which, though according to the Laws in force, they would call Cruelty; and the innocent Protestants who fell into their Power, might feel the Effects of it; yet was it mighty unpopular; and his Enemies of the Faction, who were most inexorable upon such occasions, made very ill Use of it, to insinuate the venomous Calumny into the minds of the People, that he was a favourer of Popery, and

Decemb.

1641.

A Bill for a L. General, and L. High Admiral read and rejected.

A trifling Information.

Order to search at *Dorchester* for a Barrel of Powder sent down for a Barrel of Soap.

Wednesday.

Decemb. 8.

A Message from his Majesty to both Houses about the Scots Commissioners, & the request of the French Ambassador about certain condemned Priests.



Decemb.  
1641.

wholly managed by Popish Councils, and that he had Espoused their Interests, and from thence to augment the Dangers with which the Kingdom was threatned; and therefore by Consequence how absolutely necessary it was that His Majesty should comply with the desires of the Faction, and change his Evil Councillors, and take such Persons into all places of Power or Trust, as the Nation might confide in; as may be observed from the Declaration and Petition lately presented to His Majesty at *Hampton-Court*.

However the Message was communicated to the Commons at a Conference, and the Lord Keeper Reported it as follows.

*That the House of Commons were careful not to lose any time in the business of Ireland, therefore they have presented to their Lordships Consideration, the Instructions which are to be given to the Commissioners of both Houses, who are to Treat with the Scots Commissioners: Which Instructions were read in hæc verba.*

Instructions to the Commissioners appointed to treat with the Scots Commissioners concerning assistance for Ireland.

**Y**OU shall be careful to Express to the Commissioners of Scotland His Majesties Gracious Acceptance, and the thanks of both Houses of Parliament, for their readiness to assist this Kingdom against the Rebels of Ireland.

You shall receive the Answer of the Parliament, and State of Scotland concerning the 5000 Men, which we formerly desired might be sent from thence into Ireland; and upon what Conditions of Imprest Mony for raising of them, and Wages for their Entertainment; or otherwise, how they shall be sent Furnish'd and Transported for His Majesties Service, and the assistance of this Kingdom, against the Rebellious Irish. And you shall by the best Ways and Means you can, Expedite the Raising and Sending over of these Men.

These Instructions the House agreed to, but because it was conceived they were short in one particular, the Lords thought fit, this Addition following should be made unto them, viz.

*You shall from time to time, before you grow to any perfect agreement, give an account of what is propounded in this Treaty unto His Majesty, and the two Houses of Parliament, and receive their Directions, before you come to any binding Conclusion.*

Which was accordingly the next day Voted in the Commons House, to be added to the said Commissioners Instructions.

The Lord Steward delivered in a Petition from *Huntingdon-shire*, touching Episcopacy, which was in these Words.

To the Right Honorable, the Lords and Commons,  
Assembled in Parliament.

*The Humble Petition and Remonstrance of the County of Huntingdon, for the continuance of the Church-Government, and Divine Service, or Book of Common Prayer.*

*Humbly Sheweth,*

**T**HAT whereas many Attempts have been practised, and divers Petitions from several Counties, and other Places within this Kingdom, framed and Penned in a close and subtile Manner, to import more then is at first discernable

The Huntingdon-shire Petition for Episcopacy, &c. delivered Decemb. 8. 1641.



Decemb.

1641.

able by any ordinary Eye, or that was imparted to those who signed the same, have carried about to most Places, against the present Form and Frame of Church-Government and Divine Service, or Common Prayer, and the Hands of many Persons of ordinary Quality, solicited to the same, with Pretence to be presented to the Honorable Assembly in Parliament, and under colour of removing some Innovations lately crept into the Church and Worship of God, and reforming some Abuses in the Ecclesiastical Courts, which we conceiving and fearing not so much to aim at the taking away of the said Innovations, and Reformation of Abuses, as tending to an absolute Innovation of Church Government, and Subversion of that Order and Form of Divine Service, which hath happily continued among us, ever since the Reformation of Religion: out of a tender and zealous regard hereunto, We have thought it our Duty, not only to disavow all such Petitions, but also to manifest our Publick Affections and Desires, to continue the Form of Divine Service, and Common Prayers, and the present Government of the Church, as the same have been continued ever since the first Reformation, and stand so established by the Laws and Statutes of this Kingdom.

For when We consider, That the Form of Divine Service expressed and contained in the Book of Common Prayer, was with great Care, Piety and Sincerity revised and reduced from all former Corruptions and Romish Superstitions, by those holy and selected Instruments of the Reformation of Religion within this Church, and was by them restored to its first purity, according as it was instituted and practised in the Primitive Times, standeth Confirmed, Established and Injoyed by Act of Parliament, and Royal Injunction, and hath ever since had the general Approbation of the Godly, and a publick Use and continuance within this Church. And that Bishops were instituted, and have had their being and continuance ever since the first Planting of Christian Religion among us, and the rest of the Christian World, that they were the Lights and glorious Lamps of God's Church, that so many of them sowed the Seeds of Christian Religion in their Bloods, which they willingly poured out; therefore that by them, Christianity was rescued and preserved from utter extirpation, in the fierce and most cruel Persecutions of *Pagan* Emperors; that to them we owe the Redemption of the purity of the Gospel, and the Reformation of the Religion we now profess, from Romish Corruption; that many of them for the propagation of that Truth became glorious Martyrs, leaving unto us, an holy Example, and an honorable Remembrance of their Faith and Christian Fortitude; that divers of them lately, and yet living with us, have been so great Assertors and Champions of our Religion, against the common Enemy of *Rome*, and that their Government hath been so Ancient, so long Approved, and so often Established by the Laws and Statutes of this Kingdom, and as yet nothing in their Doctrine generally taught dissident from the Word of God, or the Articles Established by Law, and that most of them are of singular Learning and Piety. In this Case to call the Form of Divine Service and Common Prayers, Erronious, Popish, Superstitious, Idolatrous, and call the Government by Bishops, a perpetual Vassalage, and intolerable Bondage; and at the first Step, and before the Parties concerned be heard, to pray the present removal of them, or the utter Dissolution and Extirpation of them, their Courts and their Officers, as Antichristian and Diabolical, we cannot conceive to savor or relish of Piety, Justice and Charity, nor can we joyn with them herein, but rather humbly pray a Reformation of the Abuses and Punishment of the Offenders, but not the Ruin or Abolition of the Innocent.

Now on the contrary, when We consider the Tenor of such Writings, as in the Name of Petition are spread among the Common People, the Contents of many printed Pamphlets swarming at *London*, and over all Countries; the Sermons preached publicly in Pulpits, and other private Places, and the bitter Invectives divulged, and commonly spoken by many disaffected Persons, all of them shewing an extreme averseness and dislike of the present Government of the Church and Divine Service or Common Prayers; dangerously exciting a Disobedience to the established Form of Government and Church Service, their several Intimations of the desire of the Power of the Keys, and



*Decemb.**1641.*

that their Congregations may be independent, and may execute Ecclesiastical Censures within themselves, whereby many Sects and several and contrary Opinions, will soon grow and arise; whereby great Divisions and horrible Factions will soon insue thereupon, to the Breach of that Union, which is the sacred Bond and Preservation of the Common Peace of Church and State: their peremptory desires, and bold assuming to themselves the Liberty of Conscience, to introduce into the Church whatsoever they Affect, and to refuse and oppose all things which themselves shall dislike, and what they dislike must not only to themselves, but also to all others be Scandalous and Burdensome, and must be cried out upon, as great and insupportable Grievances, yea though the things in themselves be never so indifferent, of never so long continuance in Use and Practice, and never so much desired and affected by others, so that where three or four of them be in a Parish, though 500 others desire the use and continuance of things long used, all must be altered, or taken away as Scandals and Grievances for these three or four, though to the Offence of many others, and what ever they will have introduced must be imposed upon all others, and must by all be admitted, without Scandal or Offence, whereby multitudes of Godly People and well affected, are in some things deprived, or abridged of what they desire and take comfort in, and have had so long and lawful Use and Practice of, and other things imposed upon them against their Wills and Liking, as if no account were to be made of them, or no Liberty of Conscience left unto them. Which bold Attempts of some few to arrogate to themselves, and to exercise over all others, what high Presumption is it? and how great a Tyranny may it prove over the Minds and Consciences of Men? The great increase of late of Schismatics and Sectaries, and of Persons not only separating and sequestering themselves from the Publick Assembly at Common Prayers and Divine Service, but also opposing, and tumultuously interrupting others in the performance thereof, in the Publick Congregation; the frequent and many Conventicles held amongst them, and their often Meetings at all publick Conventions of Assizes, Sessions, Fairs, Markets, and other publick Assemblies, their earnest labouring to solicit and draw the People to them, and the general Correspondence held among them, to advance their Ends herein. Of these things we cannot but take Notice, and must needs express our just Fears, that their Desires and Endeavors are to work some great Change and Mutation in the present State of the Church Government, and in the Form of the Publick Worship of God, and Divine Service and Common Prayers.

Of the common Grievances of the Kingdom, we as others have been and are sensible, and do profess that we have just Cause with Joy and Comfort to remember, and with thankfulness to acknowledg the pious Care, which is already taken for the Suppressing of the Growth of Popery, the better supply of able and painful Ministers, and the removing of all Innovations; and we doubt not, but in your great Wisdoms you will regulate the Rigor and Exorbitancy of the Ecclesiastical Courts, to suit with the Temper of our Common Laws, and the Nature and Condition of Freemen: and we hope, and humbly Pray, that the present Form of Church Government, and of Church Service, and Common Prayers now Established by the Statutes of this Kingdom shall be settled, and that all such as shall oppose themselves against the same, or shall do or speak any thing in derogation or depraving of the said Divine Service or Book of Common Prayer, may without any further Tolleration or Connivence, undergo the Pains, Punishment and Forfeitures due therefore; and that such Care shall be taken for placing of Orthodox and Peaceable Men, Lecturers in all Places, whose Doctrine may tend rather to sound Instructions and Edification, than lead to Schism and Faction.

All which We humbly Submit to your great Judgments, and shall pray to God, to assist and direct you from above, with his heavenly Wisdom, to guide and bring all your Consultations to happy Conclusions.

In



In the Commons House, the Message concerning the Priests was delivered by Sir John Culpeper.

A Committee was appointed to prepare an Order, to be presented to the House of Lords, whereby the Commissioners for the Treasury may be enjoined not to dispose of the Money received, or to be received upon the Bill of Tonnage and Poundage, till provision be made out of the same for the defence of the Narrow Sea. Thus did they by the late Bill of Tonnage and Poundage, make such a Present to His Majesty, as the *Biscainers* do to the King of Spain, when he comes into that Province, who present him with a Bag of Money upon the Top of a Lance, but withal inform him, that he must not meddle with it.

The Committee which was appointed to draw up the Instructions for the Commissioners to Treat with the *Scottish* Lords, were also Ordered, *To prepare Heads for a Conference, with Reasons to be delivered to the Lords, to induce them to joyn with this House to move His Majesty to declare, that a Toleration of Religion may not be granted to the Rebels in Ireland, nor in any of His Majesties Dominions.* This was another of those invidious Insinuations, by which under a pretence of great Zeal to the Protestant Religion, they did not only secretly Calumniate His Majesty as a favourer of Popery; but by putting the Rebels out of all hopes of Liberty, or Connivence for their Religion, was one of the things which contributed to render them more desperate; and to drive on the Rebellion to the utmost Extremity.

A Message was this day brought from the House of Commons by Mr. Pym, to let their Lordships know, *That the Commons do agree to the Addition which their Lordships made to the Instructions sent down to them Yesterday; and they desire this Addition, and those Instructions brought up Yesterday from the House of Commons, may be annexed to the Commission.*

Upon this, the House of Lords agreed, *That all the Instructions shall be presented to the King; and to this purpose the Earl of Bedford, and the Lord Howard of Escrick were appointed presently to attend the King with them, for his approbation.*

The Earl of Bedford Returning, Reported, *That he had acquainted the King with the Instructions to be given to the Commissioners of both Houses, who are to Treat with the Scots Commissioners, and that the King, after he had read them, approved of them; and said, He would send by His Secretary to the Lord Keeper, with Directions, that they may be annexed to the Commission.*

After which it was Ordered, *That the Committee appointed to consider of the Printing of unlawful Books and Pamphlets, shall meet on Monday next at Eleven of the Clock; and that the Lord Privy Seal, Lord Wharton, and Lord Bruce be added to the said Committee for Printing.*

It was this day Ordered, *That James Watts, Ensign unto the Company of Captain Francis Gregory, shall have Power, by Virtue of this Order, to Entertain and Transport into the Low Countries, for the Service of the States of Holland, the number of 300 Men, by way of Recruits, according to former Liberty granted by His Majesty for the supplying of the said Captain Francis Gregory's Company.*

December,  
1641.

Thursday,  
Decemb. 9.  
Message of  
Commons to  
the Lords con-  
cerning Instru-  
ctions to treat  
with Scots,  
for Ireland.  
Lords Resolu-  
tion upon it  
to acquaint  
the King.

The King ap-  
proves them.

Committee for  
Scandalous  
Pamphlets re-  
vived.

License to se-  
veral Persons  
to raise Re-  
cruits for the  
English Cap-  
tains in the  
Dutch Service.

The



December,  
1641.

The Order was directed, To all Mayors, Justices of Peace, Constables, and all others His Majesties Officers, to be Aiding and Assisting to the said James Watts, with all convenient Expedition, that may be afforded.

The like Orders of the same date was granted, for taking up of 40 Men for Captain Peyton's Company, by John Grey, and John Tirrel.

For 40 Men, for Lieutenant Colonel Corbet's Company, by William Jenkins.

For 40 Men for Captain Honywood's Company, by Robert Harding, and Dymock Holby.

In the Commons House several Northern Petitions were this day presented for the Billet-Money, which was engaged to be paid to the Inhabitants of those Counties where the Scots and English Armies were Quartered.

Whereupon Sir John Hotham Reported from the Committee appointed to Examine that matter, the State of the Money, and the Debt of the Kingdom, by which it appeared as followeth.

|                                                                                      | l.      | s.  | d.  |
|--------------------------------------------------------------------------------------|---------|-----|-----|
| The first Two Subsidies                                                              | 108672. | 06. | 00. |
| The Third and Fourth Subsidies                                                       | 96461.  | 19. | 09. |
|                                                                                      | 205134. | 05. | 09. |
| Paid out. to divers Citizens of London                                               | 51507.  | 05. | 08. |
| To Sir John Harrison                                                                 | 51885.  | 16. | 10. |
| To Alderman Pennington                                                               | 9972.   | 13. | 10. |
| To other Persons Members of the House                                                | 18497.  | 15. | 08. |
| To the Inhabitants of several Wards                                                  | 45893.  | 13. | 09. |
| To Sir William Udal for the Army                                                     | 9000.   | 00. | 00. |
|                                                                                      | 186757. | 05. | 09. |
| So rests of the Four Subsidies                                                       | 18377.  | 00. | 00. |
| Of which paid for the Affairs of Ireland to be repaid out of the Citizens Loan-Money | 12000.  | 00. | 00. |
| And to be repaid to Sir Robert Pye, Sir Edw. Hales, and others that lent it          | 2000.   | 00. | 00. |
| Remains                                                                              | 4377.   | 00. | 00. |
| Receipts of the Poll-money in general throughout the Kingdom                         | 256720. | 18. | 02. |
| Viz.                                                                                 |         |     |     |
| Poll-money paid at York                                                              | 37371.  | 09. | 10. |
| Sir William Udal from the 7 Northern Counties                                        | 15450.  | 00. | 00. |
| Poll-money from Sir Rob. Pye, and Mr. Wheeler                                        | 37415.  | 09. | 02. |
| Poll-money by the Treasurers                                                         | 162195. | 04. | 07. |
| In London                                                                            | 4288.   | 14. | 07. |



|                                                                                     | <i>l.</i> | <i>s.</i> | <i>d.</i> | <i>Decemb.</i> |
|-------------------------------------------------------------------------------------|-----------|-----------|-----------|----------------|
| Memorandum, in Cash in the City of London, }<br>8 Dec. not paid to the Lenders----- | 5596.     | 15.       | 11.       | <u>1641.</u>   |
| Total Received upon the four first Subsidies-----                                   | 205134.   | 05.       | 09.       |                |
| Upon the Poll-Bill-----                                                             | 256720.   | 18.       | 02.       |                |
| The Composition of Old and New Customers-----                                       | 165000.   | 00.       | 00.       |                |
| Total-----                                                                          | 626855.   | 03.       | 11.       |                |
| Issued to Sir William Udal-----                                                     | 339760.   | 00.       | 00.       |                |
| To the Scots-----                                                                   | 291361.   | 19.       | 04.       |                |
| To Sir John Mills for the Queen Mother-----                                         | 7000.     | 00.       | 00.       |                |
| To Colonel Goring-----                                                              | 3000.     | 00.       | 00.       |                |
| To the Pay-Master at Berwick-----                                                   | 29000.    | 00.       | 00.       |                |
| To the Pay-Master at Carlisle-----                                                  | 10000.    | 00.       | 00.       |                |
| To Mr. Vassal for Ships to Holy-Island-----                                         | 170.      | 00.       | 00.       |                |
| To the Commissioners for the Poll-money-----                                        | 600.      | 00.       | 00.       |                |
| To the Committee in Scotland-----                                                   | 1200.     | 00.       | 00.       |                |
| To O Connelly-----                                                                  | 500.      | 00.       | 00.       |                |
| To several Persons upon Orders-----                                                 | 307.      | 09.       | 00.       |                |
| Total Issued-----                                                                   | 682899.   | 08.       | 04.       |                |
| Total Received-----                                                                 | 626855.   | 03.       | 11.       |                |
| Remains in Debt-----                                                                | 56044.    | 04.       | 05.       |                |
| Besides, for Billet-money-----                                                      | 64000.    | 00.       | 00.       |                |
| For Half Pay-----                                                                   | 26000.    | 00.       | 00.       |                |
| More for Billet-----                                                                | 38000.    | 00.       | 00.       |                |
| Scots Arrears of Brotherly Assistance-----                                          | 220000.   | 00.       | 00.       |                |
| Peers to the City of London-----                                                    | 56000.    | 00.       | 00.       |                |
| For Ireland to the City-----                                                        | 56000.    | 00.       | 00.       |                |
| Total Debt-----                                                                     | 516044.   | 04.       | 05.       |                |

Having thus helped to purge the Nation of some superfluous Money, as appears by this Account, which was in a manner wholly occasioned by the Invasion of their Reforming Brethren of Scotland; they began now to think of Purging out the Loyal Members from their own House, as well as the Bishops from the House of Lords. And it was upon the Debate Resolved, &c. severally,

That Mr. Henry Wilmot, Sir Hugh Pollard, Mr. William Ashburnham, and Sir John Berkley, shall be accused of Misprision of Treason.

And it was Ordered, That Mr. Wilmot who serves for Tamworth, Sir Hugh Pollard Burgeß for Belraſton, Devon. Mr. William Ashburnham Burgeß for Lutterhall, and Mr. Henry Piercy, Knight of the Shire for Northumberland, shall be disabled from Sitting as Members in the House of Commons, and that Mr. Speaker direct his Warrants to the Clark of the Crown to issue out Writs for new Election of persons to serve in Parliament in their places.

*Wilmot, Pollard, and Ashburnham Voted guilty of Misprision of Treason, and out of the House.*



Decemb.  
1641.

Captain Legg  
sent for as a  
Delinquent.  
Friday,  
Decemb. 10.  
Parliament  
displeased at a  
Guard, be-  
cause not of  
their own ap-  
pointment.

It was also Ordered, *That Captain Legg shall be sent for by the Serjeant at Arms attending this House, as a Delinquent.*

There being this Day a Company of Watchmen, with Halberds about the Parliament Door, It was moved that *some of them might be called in, to know who did command them to come, and by what authority, and to what purpose they come*: Hereupon, two of the Constables were brought in and demanded *the Reason why they came thither*: They said, *They came by virtue of a Warrant from the High Constable to be ready this Day to attend the Houses of Parliament, because of a Riot is likely to be in Westminster.* Whereupon it was Ordered, *That the High Constable, and the Under-Sheriff do attend this House presently.*

In the Interim a Petition was delivered unto the House by the Lord Marques of *Hartford*, from the Loyal part of the Inhabitants of *Somersetshire*, concerning the Government of the Church, which was read presently *in hæc verba.*

## To the High and Honourable Court of Parliament now Sitting,

*The Humble Petition and Remonstrance of the Knights, Gentry  
Clergy, Free-holders and Inhabitants of the County of Somerset.*

Humbly Sheweth,

The Somerset-  
shire Petition  
for Episcopa-  
cy and the Li-  
turgy, present-  
ed to the Lords  
by the Mar-  
quis of Hert-  
ford, Decemb.  
10. 1641.

**T**hat having with grief of Mind heard of sundry Petitions been Ex-  
hibited to this Right Honorable Assembly, by some of the Clergy and  
Laity about London, and some Counties, tending to the Subversion of the  
Church Government Established in this Kingdom: We therefore tendring  
the Peace and Welfare of both, do in all humbleness presume to make known  
our Opinions and Desires concerning the same: Nothing doubting of the  
like good acceptance of our humble Petition and Remonstrance in this be-  
half; being tendred with no less good Affection to the Peace and Happiness  
of the Church, the Prosperity of his Sacred Majesty, and this whole King-  
dome.

For the present Government of the Church we are most Thankful to God,  
believing it in our hearts to be the most Pious, and the Wisest, that any  
People or Kingdom upon Earth hath been blest withal since the Apostles  
dayes: Though we may not deny, but through the frailty of Men, and Cor-  
ruption of Times, some things of ill Consequence, and others needless, are  
stollen or thrust into it, which we heartily wish may be reformed, and the  
Church restored to its former Purity: And to the End it may be the bet-  
ter preserved from present and future Innovations, we wish the wittingly  
and maliciously guilty of what Condition soever they be, whether Bishops  
or other inferior Clergy, may receive condign punishment. But, for the  
miscarriage of Governors, to destroy the Government, we trust it shall ne-  
ver enter into the hearts of this Wise and Honorable Assembly.

We will not presume to dispute the Right of Episcopacy, whether it be  
Divine or not; it sufficeth us to know, That the Church Government by  
Bishops is ancient, even near to the Apostles Days: and that it hath plea-  
sed God from time to time, to make them most Glorious Instruments for  
the Propagation and Preservation of Christian Religion, which with their  
Blood



Blood they have frequently sealed to Posterity. And how much this Kingdom in particular is indebted to them, for their Piety, their Wisdoms, and Sufferings we trust shall never be forgotten. Our Hearts desire therefore is, That the Precious may be separated from the Vile, that the Bad may be rejected, and the Good retained.

Decemb.

1641.

Furthermore, having heard, that our Common Prayer hath been interrupted, and despised of some mis-understanding or mis-led People, to the Great Scandal of the Religion professed in our Church; We humbly beseech you to take into your Care the Redress thereof, as of an Impiety not to be endured; as also to take Order for the severe punishment of those Men, if they may be discovered, who frequently publish Pamphlets, under a Veil of Religion, yet conducing to Confusion and Rebellion.

All which, we humbly offer to your Wisdoms, as the thoughts and desires of this County, and as we are persuaded of multitudes of sound Members of the Church of England, and his Sacred Majesties most Loyal Subjects.

Beseeching God, to direct and prosper your Counsels, and ye to pardon our Errors, we rest At your Commands.

Knights, Esquires, Divines, Gentlemen, Free-holders, Inhabitants  
of the County of Somerset, none of them Papists; but all Pro-  
testants of the Church of England, and his Majesties Loyal Sub-  
jects. ————— 14350.

Whereof Knights, Esquires, and Gentlemen ————— 200  
Divines ————— 221

Jo. Browne Cler. Parliament.

After which the *Huntingtonshire* Petition to the same Effect, which had been tendred to the House upon *Wednesday* the 8th of *December*, but then laid aside, was also read.

This being done, the High Constable, who was sent for to attend the House, was brought in, and asked by what Authority he gave Order for the Watchmen to Guard this House? Who answered, That he received Order from the Justices of the Peace.

The High  
Constable and  
Sheriff, questi-  
oned concern-  
ing the Guards.

Then the Under-Sheriff of *Middlesex* was called in, and demanded by what Warrant the Watch-men are here? he said he had received a Warrant from the Justices of Peace of *Middlesex*, which they sent forth by virtue of the Kings Writ directed to them, for preventing of Riots, Routs and unlawful Assemblies, according to the Statute of 2 H. 5.

Whereupon the House appointed the Lord Chamberlain, Lord Wharton, Lord Brook, and Lord Roberts, to go into *Westminster-Hall*, and other places near this House, to see what Company there is, whether any unlawful Assemblies or Routs there; and these Lords Reported, That there was no Face of any Routs or Assemblies, nor any greater Number of People then Usually.

Whereupon the House discharged the Guards in the King's Name. And in regard it appeared, that it was the precipitation of the Justices, that Caused these Men to come, by virtue of their Warrants; It was Ordered, That those Justices of the Peace for *Middlesex* and *Westminster* that subscribed the Warrant, be sent for to attend the House to morrow, to give a Reason, why they sent forth those Warrants, and what induced them to believe, That there would be a Tumult this day in *Westminster*.



Decemb.  
1641.

This day *Inigo Jones* Esq; appeared before the Lords, according to an Order of their Lordships, to hear the Declaration read, which was brought up against him from the House of Commons, which was read in his presence *in hæc verba*.

*The Declaration of the Commons upon the Complaint, and in the behalf of the Parishioners of St. Gregories, London, against Inigo Jones Esquire.*

The Declarati-  
on of the  
Commons, a-  
gainst *Inigo  
Jones*, concern-  
ing *St. Gre-  
gories Church*  
by *St. Pauls*.

“ THE Parish Church of *St. Gregories*, adjoyning to the Cathedral  
“ Church of *St. Pauls* in *London* aforesaid, is, and, from the time  
“ whereof the Memory of Man is not to the contrary, hath been the  
“ Parish Church for the Inhabitants of that Parish, lately computed to be  
“ 3000 persons, for the administration of Divine Service and Sacraments.  
“ The said *Inigo Jones*, being Surveyor of His Majesties Works, and  
“ particularly those to be designed for the re-edifying of the said Church  
“ of *St. Pauls*, would not undertake the Work, unless he might be, as  
“ he termed it, the *Sole Monarch*, or might have the Principality there-  
“ of, conceiving that the Work would not well be done, without pulling  
“ down the said Church of *St. Gregories*, presented a Plott to his Ma-  
“ jesty accordingly. The said *Inigo Jones*, having presented the said  
“ Plott, his Majesty hereupon signified his Pleasure, and in pursuance  
“ thereof, several Orders also were made at the Council-Board, That the  
“ said Church should be taken down by the Parishioners, for the more  
“ convenient Repairing of the Cathedral Church of *St. Pauls*; which  
“ the Parishioners refusing to obey, as was lawful for them to do, the  
“ said *Inigo Jones*, in Execution of the Plot, and Design by him presented  
“ as aforesaid, and of his Majesties signification, and the Orders at the  
“ Council-Board thereupon had; in or about *March*, 1639, did pull  
“ down, and caused to be pulled down part of the said Church, and did  
“ also threaten, *That if the Parishioners would not take down the rest of*  
“ *it, then the Galleries should be sawed down, and with Skrews the Mate-*  
“ *rials of the said Church should be thrown down into the Street.* And  
“ the said *Inigo Jones* did further threaten the Parishioners, *That if they*  
“ *did not take down the said Church, they should be laid by the Heels.*  
“ Whereby the Parishioners being thus affrighted, and to save the Mate-  
“ rials, which not long before had cost them 1500 l. were inforced to  
“ take down some part of the said Church, insomuch, as it thereby was  
“ made altogether useless: and the said Parishioners to that great number  
“ have been wholly destitute of any Place within their own Parish, for  
“ the Publick exercising of Religion.

“ The Damages the Parishioners have hereby sustained, is very great,  
“ and the Charge of Re-edifying the said Church, and restoring it, to as  
“ good plight as it was in, before it was so wrongfully taken down, will  
“ amount at the least to 3000 l. all which the said Parishioners are rea-  
“ dy to prove and Maintain.

“ For Remedy therefore, and Redress herein, and chiefly to the end,  
“ that the said Church of *St. Gregories* may be fully repaired, and re-  
“ stored to the Plight and Condition wherein it formerly was, by and  
“ at the Charge of him and them, by whose undue Means it was in  
“ part taken down, or caused to be taken down as aforesaid, It is desir-  
“ ed, That such Proceedings may be used and had against the Offenders  
“ herein, as to Right and Justice doth appertain.

This



This being read the said *Inigo Jones* desired, *That he might have some time to answer by his Council.*

Whereupon, It was Ordered, *That he have a Copy of the Declaration against him, and shall put in his Answer thereunto, on Tuesday come seven Night.*

The Commons were also in an extraordinary heat, about the Halberdeers, who were set to prevent Tumults and Riots, Routs and unlawful Assemblies, which now frequently resorted to *Westminster*, to cry out against the Bishops, and their Votes in Parliament; some of the Halberdeers were called to the Bar, and Examined, and they giving the same Account, as was before given to the Lords, the Bailiff of *Westminster*, the Constable of *St. Clement Danes*, and the Under-Sheriff of *Middlesex* were ordered to be sent for, to give an Account of the Reason of placing those Guards about the Parliament House; And thereupon it was Voted.

Resolved, &c. *That the setting of any Guards about this House, without the Consent of the House, is a breach of the Privilege of this House, and that therefore such Guards ought to be dismissed.*

And thereupon the Serjeant at Armes attending the House was appointed to Command them to depart, which was done accordingly.

The House then fell into Debate concerning the treating with the *Scottish Commissioners*, concerning raising Men for the relief of *Ireland*, and upon the Question it was

Resolved, &c. *That this House doth Approve and Consent, that his Majesties Commissioners named by the House, and appointed to treat with the Scotch Commissioners, shall treat with them for the raising of 10000 Scots, for the Occasions of Ireland.*

Sir *Walter Earl*, then gave Information to the House of some dangerous Words spoken by several Persons, but did not Name them, whereupon it was Ordered, *That Mr. Speaker should issue out a Warrant, to apprehend such Persons, as Sir Walter Earl shall nominate to him, for speaking Words of a dangerous Consequence.*

This was one of the common Arts which they used to restrain those who were able, from informing the People of the dangerous Consequences of their own Proceedings; and Liberty of Speech seemed now to be wholly confined within the Walls of *St. Stephen's Chappel*; or if any of that common Privilege of Mankind was indulged, it was only to the Favourites of the Faction, the Sectaries and Schismatics, who they were assured would be very serviceable to them in imploying that Liberty, to traduce and Calumniate the King, the Bishops, the Government of the Church, and whatever was either Orthodox or Loyal; but for others, if they once dared to Intrench upon the Privilege of the Pretended Sects, or to correct those Liberties they took to defame the King and his Ministers, the Church and her Governors, or to arraign any of the violent Proceedings of the Faction, these Religious Spies and Setters, immediately gave Informations against them to some of the Members of the Commons; and these Men had a certain devise to punish Men, who had transgressed no known Law, for Crimes which would not bear an Indictment, or the Test of a Jury of their Peers, by bringing them under the Rod of the Commons House, for Words of dangerous Consequence; for which constructive Offences, their Persons were imprisoned and their Purfes fleeced by the Serjeant and his Offi-

Decemb.

1641.

Vote of the Commons, concerning the Guard of Halberdeers set about the Parliament House.



Decemb.

1641.

cers, as if they had been the most notorious Malefactors. Such precious beginnings had this Dawning of the glorious Day, which they promised the People should be nothing, but one continued Sun-shine of Liberty and Property, without the least Cloud of Arbitrary or Exorbitant Government. But as a great Man said upon another Occasion in this present Parliament, *Misera est servitus, ubi jus est vagum et incertum*. Where known Law ends, there Slavery begins. And where our Law knows not how to lay an Indictment; it must certainly be something Arbitrary, that inflicts a Punishment. But this was the Case of Loyalty, Men were not only made Offenders for a Word, but for such Words, as were justifiable by the Laws of God and Man.

His Majesty whose Zeal for the Church was as Eminent, as his Piety and Devotion were singular and most extraordinary, observing what an Inundation of Schisme and Errors, were flowing in upon the Church, the Pretence of Reformation letting loose all the Schismatics, who pretended to be the great Reformers; issued out a most Excellent Proclamation to prevent that Disorder, Division and Separation, which he too Prophetically foresaw, would indanger the Subversion of the very Essence and Substance of Religion. The Proclamation was as follows.

A Proclamation for Obedience to the Laws Ordained, for  
Establishing of the True Religion in this Kingdom of Eng-  
land.

**H**is Majesty considering that it is a Duty most becoming, and that most obligeth Sovereign Authority in a Christian King, to be careful, above all other Things, of preserving and advancing the Honor and Service of Almighty God, and the peace and tranquillity of the Church, to which end his Majesty with his Parliament, hath it under Consideration, how all just Scruples might be removed. And being in the mean time sensible, that the present Division, Separation and Disorder about the Worship and Service of God, as it is Established by the Laws and Statutes of this Kingdom, in the Church of England, tendeth to great Distraction and Confusion, and may endanger the Subversion of the very Essence and Substance of true Religion; hath resolved for the preservation of Unity and Peace, which is most necessary at this time for the Church of England, to require Obedience to the Laws and Statutes Ordained for establishing of the True Religion in this Kingdom, whereby the Honor of God may be advanced, to the great Comfort and Happiness both of his Majesty and his good Subjects.

His Majesty doth therefore Charge and Command, That Divine Service be performed in this his Kingdom of England, and Dominion of Wales, as is appointed by the Laws and Statutes Established in this Realm, and that Obedience be given by all his Subjects Ecclesiastical and Temporal, to the said Laws and Statutes concerning the same. And that all Judges, Officers and Ministers Ecclesiastical and Temporal according to Justice, and their respective Duties; do put the said Acts of Parliament in due Execution against all willfull Contemners and Disturbers of Divine Service, contrary to the said Laws and Statutes.

His

A Proclamation for Obedience to the Laws, for Establishing the true Religion in England,  
Dec. 11. 1641.



His Majesty doth further Command, That no Parsons, Vicars, or Curates in their severall Parishes, shall presume to introduce any Rite or Ceremonies, other then those which are Established by the Laws and Statutes of the Land.

Decemb.  
1641.

Given at His Majesties Palace of *White-Hall*, the tenth Day of *December*, in the Seventeenth Year of His Majesties Reign.

God save the KING.

But the Root of the Schism lay too deep to be Cured by a Proclamation, and the Separatists knew, where to take Sanctuary, not only for their Disobedience to the Laws made in favor of the Church, but of the Crown too, or otherwise they would not in such riotous and Tumultuous Manner, against the Peace, and the Crown and Dignity of their Sovereign Lord the King, have Assembled by thousands, under Pretence of Petitioning against Bishops, Evil Countellors, &c. as now they did.

The Lord Keeper this Day signified to the House of Lords, *That His Majesty had Commanded him, to deliver this Message to both Houses, That whereas formerly he had acquainted both Houses, with the Desire of the French Ambassador, That eight Romish Priests convicted at the Sessions, might be Reprieved and Banished at this time, because it may concern the Business of Ireland, and that his Majesty had desired the Advice of both Houses therein, of which his Majesty hath not yet received any Answer; His Majesty therefore puts the House in mind thereof, and desires an Answer, in regard that on Munday next is the Day for Executing of those that are convicted, which are seven Priests, one of the eight being acquitted upon the Tryal.*

Saturday,  
Decemb. 11.

Upon which the Lords sent a Message by Sir *Edward Leech*, and Dr. *Bennet*, to desire a Conference concerning this Matter, to which the Commons returned Answer, *That they will send an Answer by Messengers of their own in convenient time.*

The Bill Intituled, *An Act for the Relief of the Captives taken by Turkish, Moorish, and other Pirates, and to prevent the taking of others in time to come*, being read a third time, and put to the Question, It was Resolved, *To pass as a Law.*

This Day being appointed for the 13 Bishops that are Impeached by the House of Commons, for making the Canons and Constitutions, and for Granting a Benevolence contrary to Law, to make their Answers to the Impeachment, their Council were called in, and the Impeachment was read. Then the Lord Keeper demanded of them, Whether the Bishops will abide by their Plea and Demurrer, or make their Answers? The Council Answered, That the 12 Bishops do resolve to adhere to their former Plea and Demurrer, only they have waved one Branch of their Demurrer, which was to the generality of the Charge, which appears to be particular.

The Bill for relief of Captives at Algiers passed the Lords House. The Bishops by their Council adhere to their Plea and Demurrer.

Hereupon the Council withdrew, and the House Ordered, *That the Lords the Bishops that are Impeached, shall be heard by their Council on Monday next, touching the Maintaining of their Plea and Demurrer, and that the House of Commons have Notice herein, that they or some of their Members, whom they shall appoint, may be present if they please.* And to this



Decemb.  
1641.

this purpose a Conference was sent to be desired, by Serjeant *Whitfield*, and Serjeant *Glanvile*.

Then the Lord Lieutenant of *Ireland* produced a Paper which was given by the *Scots* Commissioners to the *English*, which being read, was in these words:

**O**ut of the Sense of our Duty we owe unto his Majesty, and the true Affection which the Kingdom of Scotland bears to the Kingdom of England, We are willing to contribute our best Assistance for the speedy Relief of those distressed Parts of Ireland, that lye nearest us; Therefore in the Name of the Kingdom of Scotland, we make Offer of 10000 Men for that Service, which is conceived to be the least Number can be, for securing themselves, and reducing the Rebels in the North of Ireland, to the due Obedience of his Majesty and the Crown of England.

This Offer is upon such particular Conditions, as in the Progress of this Treaty we shall agree upon, which may be for the Honor of our Nation, and the Safety and Good of the Army imployed in the Service.

This being done, the Lord Lieutenant declared, That his Majesty being made acquainted with this Proposition, was willing they should Treat for 10000 Men, the House assented to give Power to the Commissioners to Treat accordingly.

The Commons fell this Day upon the Matter of the Guards; and the Justices of the Peace for *Middlesex* being called in, and demanded by what Warrant or Authority they caused those Guards to be set: they made Answer, That what they had done in this Matter, was in Obedience to his Majesties Warrant to them directed.

Then the Under-Sheriff was called in and Examined also concerning the setting of the Guards, who affirmed, That the Writ was granted forth by direction of the House of Lords, and with the Advice of the Judges.

They being withdrawn, upon the Debate of the Matter, the storm for the present fell only upon Mr. Long who had signed the Warrant for the Guards; and the Question being put, Whether Mr. Long should be put out of the Commission of the Peace? The House was divided upon it, with the No were 94, with the Yea 90, so it passed in the Negative; and he was by the Vote of the House sent to the Tower, For that He the said Mr. Long in his Warrant, had exceeded the Authority given him by the Writ; and had directed Constables, and Sitting the Parliament had sent down Armed Men to the Parliament, never acquainting the Parliament with it.

A Committee was also appointed to Examine the business concerning the raising and sending armed men to the Pallace at *Westminster*.

The Message from the Lords about the King's desire to know the Answer of the Parliament concerning Banishing the Condemned Priests at the Request of the *French* Embassador was read, and it was singly Voted upon these following,

Resolved, That Hamon, Jo. Rivers, alias Abbot, Walth. Coleman, and Turnor, Priests, shall be put to Execution according to the Laws.

Sir Phillip Stapleton Reported, That the Scots Commissioners had shewed their Authority to Treat to Assist us with 10000 Men, upon such Conditions as should be agreed; We told them, Upon this Proposition we could not Treat with them, for that our Commission was only to Treat for 5000 Men;

Mr. Long a Justice of the Peace, sent to the Tower about the letting of a Guard without the Consent of the Parliament.

Priests voted to be Executed.



*Men; They wished us to acquaint the King with it; so according to our Duty we waited on his Majesty, who Expressed a great deal of Desire and Affection in the furthering of this business, and said he had referred it to the Parliament, and would grant a Commission to treat with them for 10000 Men. Whereupon the House assented to it.*

A Petition of some Aldermen and Common Council-men, and Subsidy Men of the Factionous part of the City of London and Suburbs was this day presented to the House of Commons; which being read, the Petitioners were called in, and Mr. Speaker in the Name and by the Order of the House acquainted them, *That the House took their Petition in good part, and returned them Thanks for their Respects to this House, and readiness to supply the Publique; and that in convenient time the House will take their Petition into Consideration.* Some of them then desired they might have leave to speak something to the House; whereupon they were ordered to withdraw, and the House upon the Debate having resolved to hear them, they were called in, and Mr. Speaker acquainted them, *That the House was pleased to give them leave to speak what they had to say.* Whereupon one of them in the name of the rest desired to know, *Whether they might get more hands to the same Petition;* Then they were commanded again to withdraw, and after a little time being called in, Mr. Speaker told them, *That the House did believe what was delivered in their Petition already; but that notwithstanding they were left at liberty to get more hands if they pleased.* After which, having returned humble Thanks to the House for their good acceptance of their Petition, they were dismissed. The Petition was this;

To the Honorable, the Knights, Citizens and Bur-  
gesses of the House of Commons in Parliament,

The Humble Petition of Aldermen, Common Council men, Subsidy-  
men, and other Inhabitants of the City of London and Suburbs  
thereof.

Sheweth,

**T**hat they do with all humble Thankfulness acknowledg that great Labour and Care, which this Honorable Assembly hath undergone for the space of above one whole Year, endeavouring the Reformation, and removal of those many Pressures and Grievances in Church and Commonwealth; And do humbly present that grateful acceptance and high Esteem, which not only the Petitioners, but also all well-affected to the Honor of his Majesty, and Prosperity of this Kingdom, have of these your great and unwearied Endeavours, which altho they, by reason of the Popish Lords and Bishops Voting in the House of Peers, and other Impediments, as they humbly conceive, have not hitherto produced those happy Effects You aimed at; yet to the Petitioners great Comfort, divers of those Pressures are already removed; as Arbitrary Courts, Ship-Money, Monopolies, and other illegal Impositions wherewith they were burthened, and further hopes given, by the happy Act of this Parliaments continuance.

That, notwithstanding all this, the Papists and their adherents, whose malice ceaseth not, have by sundry secret and desperate Plots, attempted the Ruin and Destruction of this State and Kingdom; and however some of  
them

Decemb.

1641.

The Factionous  
Londoners Pe-  
tition against  
Bishops Votes,  
for putting  
the Kingdom  
into a posture  
of Defence,  
&c. Decemb.  
11. 1641.



Decemb.  
1641.

them have hitherto, by Gods Providence and your Prudence, been discovered, and become abortive; Tet the sad Effects of others of them, are not only felt, and much more feared in this Realm of England, but also have of late broke out into open Rebellion in Ireland, where most barbarous, savage, cruel, and inhumane actions are practised towards our Brethren by Nation and Religion, whose lamentable and deplored Condition the Petitioners much pity and lament, and have just cause to fear, That as already there hath been much Christian blood spilt, so in short time, if speedy help be not sent, not only the many great Debts there owing to divers of the Petitioners and others of this Kingdom, will be wholly lost, but, which is far more, the very Name of the English and Protestant Religion there, will be rooted out, which those Rebels, the Foundation of whose Religion is written in letters of blood, do only oppose

And for that divers of the Petitioners, receive daily Information from all Parts of this Kingdom, of the bold insolent Carriage, and threatening speeches of the Papists in this Realm, arising as the Petitioners humbly conceive, not only from the prevailing of the Rebels in Ireland, but also from the want of such secure and speedy Course against Papists here, as the present condition of this Kingdom requireth, and this Honorable Assembly hath Earnestly Endeavoured.

From which grounds, the Petitioners cannot omit to represent unto you, the great Terrors, Fears and Distractions, that they lye under, of a suddain Surprise by their Bloody hands; By means whereof the Trading of this City and Kingdom is much more of late decayed, then it hath been for divers Tears past, no man following his Trade cheerfully, while the Lives of himself and Family, and the Publique Safety of the Kingdom are in danger; and while he knoweth not how soon they may feel the like Cruelty and Inhumanity, from the Papists and their Adherents, as these in Ireland have done; which if ever it shall happen, this Honourable Assembly must Expect to have a deep share in their Malice and Cruelty, against whom they have already, by themselves and their Abettors, endeavoured to raise a disrespect in the Hearts of the People, to divide between the Kings Majesty and his Parliament, and seditiously to misconstrue the Citizens Dutiful and Loyal Entertainment of his Majesty to be a deserting of this Honourable Assembly, the least thought whereof, the Petitioners do utterly detest and abhor.

To the End therefore, that the destructive Plots of the Papists and their Adherents may be defeated, the grounds of their Hopes, and Insulencies removed, considerable Forces with all Expedition sent to subdue those abominable and bloody Rebels in Ireland; this City and Kingdom, for prevention of the like Mischiefs here, and securing the Peace thereof, put into a Posture of Defence, the Petitioners freed from their Fears, encouraged in their Trades, and in due time receive such just Answers to their former Petitions, as shall seem best to your great Wisdoms.

It is humbly prayed, That you will vouchsafe to be a means to the Kings Majesty and the House of Peers, that life may be speedily given to your good Endeavours, by their concurrence with you in the punishment of Delinquents, and redressing the Pressures and Grievances in Church and Commonwealth (amongst which the abuses crept in to the Ancient Government of this City, they humbly desire may in due time be taken into Consideration: ) And for the better Effecting hereof, That the Popish Lords and Bishops may be removed out of the House of Peers, as was desired in the presence of divers of this Honorable Assembly



Assembly, by the Representative Body of this City in the Guild-Hall, when 50000 l. was freely lent, to raise Forces for Ireland, the greatest part whereof was speedily brought in by the Petitioners.

Decemb.  
1641.

*And the Petitioners who well know their own Safeties are wrapt up in Tours, shall not fail to put up daily Prayers to Almighty God for your good Success, and to maintain and defend, to the utmost hazard of their Lives and Estates, according to their late Protestation, the Kings Majesty, and High Court of Parliament, against all Wicked Councillors, and Malignant Opposers, who endeavour, either by secret Plots, or open Force, to prejudice the one or the other, or to make division between his Majesty and the Parliament, whom God and the Laws of the Land, have united in so near Relation.*

The Reader may observe by this Petition, which it is easie to guess out of. what Quiver the Arrow came, how high the Springs of Rebellion were wound up; here are Popish Lords and Bishops coupled together; here are the Papists and their adherents, that was, all such as were Orthodox and Loyal, Voted the Common Enemies; here are Fears, Terrors and Distractions, Plots and Conspiracies, Dangers and sudden Surprizes, to amaze the People; here's the Kingdom to be put into a posture of Defence, and a Protestation to assist the Parliament against all wicked Counsellors and Malignant Opposers, to the utmost hazard of Life and Estate; so that there wanted only an occasion to break out into actual Arms and open Rebellion, if these Requests were not Granted. This was the way of Petitioning of that time.

For the Faction now began to be bold and daring, and under the Countenance and Protection of their Patriots in the two Houses, to affront the Government in the most Insolent Manner imaginable, and under the Pretence of Petitioning the Commons to gather together in such tumultuous Routs and Riots, as if they would bid open Defiance to the King and the Laws; and in truth, such an Assembly as upon this Occasion met at *Blackheath*, to subscribe such another Petition, threatening what they would do, if the Bishops, &c. were not thrown out of the Lords House, would in any other Age have been reputed a plain Rebellion, as in truth it was a Prologue to it, and a kind of general Muster of the Strength and Effective numbers, which the several Tribes of the Schismatics were able upon Occasion, at the Beat of their Pulpit or Petition Drums, to bring into the Field against the King, the Laws, and the Established Government. It was upon the Notice of these Tumultuary Proceedings and Threatnings, that the Guards were raised and placed about *Westminster*, which the Faction in the two Houses, who knew by Experience the use of these Tumults, took so hainously; and lest the Well-Affected should meet any discouragement in this *Scottish* Presbyterian Way of Reformation, and fall into the Hands of the Law and Justice, they resolved to tye the Hands of Justice behind her, and to bind the Laws to the Peace and Good Behaviour, which otherwise would have handled these Petitioners very severely with *Riotosè's* and *Routosès*, *contra pacem Domini Regis*. And therefore for fear of the Worst, It was Ordered in the House of Commons, *That the Under-Sheriff of Surrey be enjoined, not to suffer any Proceedings to be made upon an Inquisition, that concerns any Persons that met to subscribe a Peti-*

Tumultuary  
Petitioning in-  
couraged and  
protected by  
the Faction in  
the Commons  
House.



Decemb.  
1641.

tion to be preferred to this House, till he shall receive further Order from the House.

And in truth the Faction in the two Houses carried all before them, with that Violence and Impetuosity, that many both of the Lords and Commons seeing themselves unable to do any thing, towards cooling their Heats or abating their Rigors, and that who ever did in the least oppose their Proceedings, inevitably drew upon himself some furious Vote or a Prison, as a mark of their Displeasure, withdrew themselves from the Parliament, which as it gave the Faction great Encouragement, so likewise it gave them opportunity to do what they pleased without control. His Majesty taking notice thereof, issued forth the following Proclamation, to command their Attendance who were absent, as follows.

### By the KING.

#### A Proclamation for the Attendance of the Members in both Houses in Parliament.

A Proclamation for absent Members to attend the Parliament  
Dec. 12. 1641.

**H**IS Most Excellent Majesty having Summoned this present Parliament, in His princely Care of the good and Welfare of His loving Subjects; In the continuance of the same Care, doth with Advice of His Privy Council, by this His Royal Proclamation, declare His Royal Will and Pleasure to be; That all the Members of both Houses of Parliament, do repair to the Parliament at Westminster, at, or before the Twelfth of January next, and give their due and diligent Attendance in Parliament: To the end that this Kingdom may fully enjoy the Benefit and Happiness which His Majesty intendeth unto them by Summoning, and continuing of this Parliament: And of his Majesties Will and Command they are to take Notice by this His Proclamation, and to give a just Observance thereunto, upon such pains and penalties as by Law and Justice may be inflicted upon them.

Given at His Majesties Palace of *White-Hall*, the Twelfth day of *December*, in the seventeenth year of his Majesties Reign.

### God save the KING.

Monday,  
Decemb. 13.

The Lords at a Conference this day with the Commons, agreed, *That the English Commissioners should have power to Treat with the Scottish Commissioners, for the Raising of 10000 Men for the Service of Ireland; The Commons also informed the Lords, That they had taken the Request of the French Ambassador concerning banishing the Seven Condemned Priests into consideration, and desire the concurrence of their Lordships, that Execution may be done upon five of them, viz. upon Hamond, Rivers alias Abbot, Walter Coleman alias Colmer, Francis Tornam alias Winmore, and one Frier: Whereupon it was upon the Debate in the Lords House Resolved to have a Conference, To know the Reasons that induced the Commons to be of Opinion, that five should be Executed, and two Saved.*

In the Commons House Mr. Glyn Reported the Conference concerning



ing the 13 Bishops that stood impeached; that the Lord Keeper said, *That the Bishops Council insisted still upon the Plea and Murrer; and that they took exceptions to the last Conference, because there was delivered to the Reporter of the Lords House, the Arch-bishop of York, a Paper intituled, A Report made by Serjeant Wild, from the Committee for the 13 Bishops: He said, he conceived for his part, that it was the Vote of the House, but to satisfy that Objection, desired to know the Answer of the House. I told his Lordship, it passed the Vote of the House, and that Paper was but as a Memorandum to the manager of that Conference, and delivered by him at that time to the Reporter of the Lords House, to enable him to Report; but did not conceive this Use would have been made of it, or that it should have been shewed to the Bishops Council.*

The Lord Keeper Reported this day the Conferences Yesterday with the Commons, *That divers Papers were read, brought from the House of Commons.*

*The first Paper consisted of Motives, which induced the House of Commons to make their particular Requests.*

*The second Paper, was the desires of the House of Commons, That the Lords would joyn with them in an humble Petition to the King, against Toleration of the Romish Religion in England and Ireland; and that his Majesty would make a Declaration to this purpose.*

*The third Paper was a draught of a Declaration to that purpose.*

*The Fourth Paper was a Declaration to be made by the Queen upon the Petition of both Houses to His Majesty, to perswade her thereunto, That for preventing of all Scandalous Reports and Apprehensions of the Queens Majesty, as if she had or would favour and incourage the Rebels in Ireland, His Majesty would be graciously pleased to advise and procure Her Majesty, that by her consent and direction, it may be published and declared, That Her Majesty doth Abhor, and Detest the Perfidious and Traiterous proceedings of the Rebels in Ireland.*

*The Fifth Paper was a Certificate from the Council of Ireland, shewing, That forasmuch as the City of Dublin is not able to entertain and nourish such Multitudes of distressed poor People, who are stripped of all they have by the Rebels; they thought fit to take up the Men, to imploy them in His Majesty's Service, in the Wars there; and to cause the Women and Children to be Transported by Ship into England; and do recommend them to the Charity of all good Christians, desiring them, that they will take some Commiseration of their Distress and great Necessity, and extend some Relief towards them by making Contributions, which Contributions they desire may be reserved, and such a Course taken, as that it may be sure to be imployed only to the Relief of the poor distressed People.*

Dublin Nov. 15. 1641.

William Parsons,  
Jo. Borlase.

R. Bolton, Canc. Ormond, Offory, Jo. Temple.

*The Sixth Paper was, That the House of Commons out of a deep sense of the Calamity of our Country-men, and Brethren of Ireland, and considering how all Success and Prosperity depends upon the Blessing and Favour of God, do desire their Lordships to joyn with them in Petitioning his*  
Vol. I I. B b b b b 2 Majesty,

Decemb.  
1641.

Tuesday,  
Decemb. 14.  
Several invidious things proposed by the Commons at a Conference, viz. a Declaration against Toleration of the Romish Religion, &c.

A Certificate from the Lords Justices of Ireland, for contribution to the poor Protestants.

Motion for a Fast for Ireland.



Decemb.

1641.

Majesty, That there may be a publick Fast throughout the Kingdom, and that His Majesty will be pleased to appoint a near day for the same, to be kept by both Houses of Parliament, and the City of London, and the adjacent Parts; and one other Day for other remote Parts of the Kingdom; and because they have received a Certificate from the Lords Justices, and others of His Majesties Council in Ireland, concerning the miserable Want, and Distress of the poor English, being divers Thousands of all Qualities and Sexes: That the House of Commons for the Relief of the Persons aforesaid have appointed a Collection in their own House, to be made on Thursday next; and they desire their Lordships to Order the like for their House; that by the Example of Parliament, the like Collection may be made in all the Parts of the Kingdom upon the Day of the Fast, and the Money gathered, to be disposed in such manner, by such Commissioners as shall be appointed by both Houses, for the Succour and Relief of these poor distressed People of Ireland.

The King came this day to the House of Lords, and being sate in the Chair of State, he commanded the House of Commons to be sent for, who being come with their Speaker, the King made this Speech to both Houses of Parliament as followeth.

My Lords and Gentlemen,

The King's  
Speech to the  
two Houses  
concerning  
Ireland, &c.  
Dec. 14. 1641.

**T**He last time I was in this place, and the last thing that I recommended unto you was the business of Ireland; whereby I was in good hope that I should not have needed again to have put you in mind of that business. But still seeing the slow proceedings therein, and the daily dispatches that I have out of Ireland, of the Lamentable Estate of My Protestant Subjects there, I cannot but again earnestly commend the Dispatch of that Expedition unto you; for it is the chief business that at this time I take to heart, and there cannot almost be any business that I can have more care of.

I might now take up some of your time in expressing My detestation of Rebellions in general, and of this in particular. But knowing that Deeds and not Declarations must suppress this great Insolency, I do here in a word offer you whatsoever My Power, Pains or Industry can contribute to this good and necessary Work of reducing the Irish Nation to their true and wonted Obedience.

And that nothing may be omitted on My part, I must here take notice of the Bill for Pressing of Soldiers, now depending among you, My Lords: Concerning which, I here Declare, that in case it come so to Me, as it may not infringe or diminish My Prerogative, I will pass it. And further seeing there is a dispute raised (I being little beholding to him, whosoever at this time began it) concerning the bounds of this Ancient and Undoubted Prerogative; to avoid further debate at this time, I offer that the Bill may pass with a Salvo Jure both for King and People, leaving such debates to a time that may better bear them. If this be not accepted, the fault is not Mine that this Bill pass not, but theirs that refuse so fair an offer.

To conclude, I conjure you by all that is or can be dear to you or Me, that laying away all disputes, you go on cheerfully, and speedily for the reducing of Ireland.

His



His Majesty having ended his Speech, departed, and the Commons went to their House, The Lords conceived, that the Fundamental Privileges of Parliament have been broken by the King's taking Notice in his Speech this Day of the Debate in this House, of the Bill for Pressing of Soldiers.

Nor were the Commons less moved then the Lords for as nothing was more welcom to the Faction then any matter, with which they might charge the King, as intrenching upon their Priviledges ; so they greedily laid hold upon this occasion ; and after they had Voted it a breach of Priviledge, for the King to take notice of a Bill that is passing, before it be presented to His Majesty by the Consent of Lords and Commons, as likewise to prescribe Savings and Limitations to any Bills before they be presented ; a Message was sent up to the Lords by Mr. *Hollis*, to desire a Conference by a Committee of both Houses, so soon as may stand with their Lordships conveniency, touching a thing most precious to their Lordships and the Commons, the Priviledge of Parliament. To which the Lords assented, and the Conference being ended, the Lord Keeper Reported the Effect of it in these words.

*That the Priviledges of Parliament have ever been pliced in a high Estimation with both Houses, and have been enjoyed with great Affection, not only as an Ornament, but as a Right, to have free Debate in matters of Parliament.*

*The House of Commons say, That the occasion of this Conference grows from somewhat that fell from the King this Day in his Speech, in full Parliament : they say his Presence is an Occasion of Joy, and would be so, if it were not for mis-representations of things Acted and Debated in Parliament ; which is against the Indemnity of the Lords and Commons, as 9 H. 4.*

*His Majesty took notice of a Bill for the Pressing of Soldiers, being in Agitation in the Houses, and not agreed upon, and did offer a Salvo Jure, or Provisional Clause, to be added to the said Bill by way of Limitation or Restriction ; and did also at the same time express his displeasure against some Person or Persons, which had moved some Doubt or Question concerning the Bound of Prerogative, which the House of Commons declare to be a breach of the Fundamental Priviledges of Parliament.*

*The House of Commons do therefore desire their Lordships would joyn with them in an humble Petition to his Majesty, to take notice, that the Priviledge of Parliament is broken herein, and to desire him, that it may not be done so any more hereafter.*

After this matter had been debated by the Lords, it was Ordered, *That their House will joyn with the House of Commons in a Petition to His Majesty herein : And the Lord Arch-Bishop of York, Earl of Pembroke, Earl of Bristol, Earl of Holland, Viscount Say and Seal, Episcopus Durham, Episcopus Winton. Episcopus Roffen. were appointed a Select Committee, to meet with a proportionable number of the House of Commons, to consider of the Breach of Priviledge of Parliament, and and to prepare some things incident hereunto, and present the same to the House. This Committee to meet with the Commons on Wednesday the 15th of this Instant December, at Nine of the Clock in the Morning in the Painted-Chamber.*

The Committee appointed by the Commons to meet with the Lords, were,

Decemb.

1641.

Exceptions  
taken at the  
King's Speech.

Lord Keeper  
reports the  
Conference  
concerning  
Breach of Pri-  
vilege by the  
King in his  
Speech.



Decemb.  
1641.

were, Mr. Pym, Serjeant *Wild*, Mr. Glyn, Mr. *Martin*, Mr. *Strode*, Sir *Hugh Cholmley*, Mr. *Hollis*, Mr. *Hampden*, Mr. *Sam. Brown*, Sir *Thomas Barrington*, Sir *Edward Rodney*, Sir *Thomas Bowyer*, Sir *William Armyne*, Sir *Francis Barnham*, Sir *Walter Earl*, Sir *Edward Aiscough*, Sir *Philip Stapleton*, Sir *Anthony Irby*, Sir *William Lewes*, Mr. *Strangeways*, Sir *Robert Cooke*, Sir *Edward Montforte*, Sir *William Litton*, and Sir *Henry Ludlow*.

The Lord Keeper also Reported the Effect of two other Conferences had this day with the Commons. The first Conference consisted of two particulars.

First, *Whereas a Proposition was made by the French Ambassador, to the King for saving Seven Romish Priests, which were Convicted, and the House of Commons presented their Opinions to this House, that five of those seven Priests may be Executed, according to the Laws; Now the House of Commons desire their Lordships to joyn with them in an humble Petition to His Majesty, that the Execution of the Laws may be done upon all the seven Priests, and that both Houses would become Suitors to the King to take off the Reprieve.*

Next a Letter was read, sent from one *Parthington* in Ireland, written to Sir *John Clotworthy Knight*, shewing the great and barbarous Cruelties acted upon the Protestants in Ireland by the Rebels, as hanging of them, and pulling their Flesh from their Bones; cutting off their Heads, Hands and Feet, ripping up of Women great with Child, and killing of Children, with divers other inhumane Acts.

The second Conference was touching the Declaratory part of the Bill for Pressing of Soldiers, *That the House of Commons consents now to the Words, [ or Compelled ] that they should be inserted into the Preamble of the said Bill, upon condition that these Words may be added [ except it be in Case of Necessity ] of the sudden coming of an Enemy into the Kingdom.*

And lastly, *That the House of Commons doth not intend to give any Reasons for the fortifying of the Declaratory Cause, in the Preamble of the Bill for pressing of Soldiers, it being a thing unusual for them so to do.*

It seems the House of Lords was in great disorder about the King's Speech, for the Lord *Pierpoint* in his Speech having said, *That it was not Honourable for this House to be in such Noise and Tumult*; the House conceived these words to be a great Offence to so Great and High a Court as this is; and being charged with the Words, he was Commanded by the House to withdraw; but before he withdrew he desired to explain himself, which he was permitted to do; and he professed, he did not speak the Words to give any Offence to the House: His Lordship being withdrawn, the House took the Offence done into Consideration, and Ordered, *That the Lord Pierpoint shall be committed to the Custody of the Gentleman-Usher attending the House for the present.*

After which the House took into consideration the Proposition of the Commons, concerning the seven Priests, and it was upon the Question, after much Debate, Resolved by the major part, to joyn with the Commons in an humble Petition to his Majesty, *That Execution of the Laws may be done upon all the 7 Priests that are Condemned, and that he will be pleased to take off his Reprieve.*

Lord Pierpoint  
to the Black  
Rod, for some  
Words offen-  
sive to the  
Lords.

Memoran-



Memorandum, *The Lords the Bishops withdrew themselves, before the voting of this Question, it being in Agitatione causæ sanguinis.*

Decemb.  
1641.

The Lord Steward, and the Lord Chamberlain were Ordered to attend the King from both Houses, concerning the 7 Priests to be Executed as aforesaid, and that his Majesty will take off his Reprieve.

Most part of this day was spent by the Commons, about the Debates of the King's Speech, the Result of which the Reader hath already in the Conferences with the Lords: but still the Faction could spare little time to remember their Petitioning Friends of *Black-Heath*, who had run their Heads into the Noose of the Law, and a Commission was gone out against them for an Inquisition; upon which Occasion as before they had warned the Under-Sheriff of *Surrey*, so this day produced an Order of the Commons to the Justices of the Peace of *Surrey*, not to proceed in any Inquisition concerning any Persons, that met to subscribe a Petition to be preferred to this House, till they should receive further Orders therein from the House.

This day the Lord Arch-Bishop of *Tork*, reported from the select Committee of both Houses concerning the Privileges of Parliament, three Particulars, which the Committees think fit to be voted in both Houses, as a Breach of the Privileges of Parliament; And also that a Declaratory Protestation be entred into by both Houses, for the claim of those Liberties, and this to be drawn up by the Committees.

Wednesday,  
Decemb. 15.

Likewise the Committees think fit, that a Petitionary Remonstrance, be presented to His Majesty from both Houses declaring the Right of Parliament, to those Privileges, and the Particulars wherein they have been broken, with an humble Desire, that the like may not be done hereafter, and that his Majesty will be pleased to discover the Parties by whose Misinformation, and evil Council his Majesty was induced to this Breach of Privilege, that so they may receive condign Punishment for the same; and that his Majesty be further desired to take no notice of of any Mans particular Speeches or Carriage, concerning any Matter Debated and Treated in Parliament; a Form whereof is to be drawn, and presented to the Committee to Morrow Morning at Nine of the Clock. And that the Committees have appointed the Lord Arch-Bishop of *Tork*, the Lord *Roberts*, Sir *Henry Vane*, Senior, Knight, Mr. *Hollis*, Mr. *Brown*, and Mr. *Pym*, to draw up the same accordingly.

This Report being made and taken into Consideration, the three Particulars concerning Privilege were Voted, and it was,

(1) Resolved upon the Question, *Nemine contradicente*, That the Privileges of Parliament were broken by his Majesties taking Notice of the Bill for suppressing of Soldiers, being in Agitation in both Houses, and not agreed on.

(2) Resolved upon the Question, *Nemine Contradicente*, That his Majesty in propounding a Limitation and Provisional Clause, to be added to the Bill, before it was presented unto him by the Consent of both Houses, was a Breach of the Privilege of Parliament.

(3) Resolved upon the Question, *Nemine Contradicente*, That his Majesty expressing his Displeasure against some Persons, for Matters moved in the Parliament, during the Debate, and preparation of that Bill, was a Breach of the Privilege of Parliament.

The same Votes were also passed in the Commons House.

Then the Petition of the Lord *Peirpoint* was read as follows.

Votes of the  
Lords and  
Commons con-  
cerning breach  
of Privilege by  
the King.



1641.  
Decemb.

## To the Most Honorable, the Lords of the High Court of Parliament.

The Humble Petition of *Henry Lord Pierpoint*.

Humbly Sheweth,

L. Pierpoint's  
Petition.

**T**hat whereas your Petitioner in heat of Debate, let fall some unfitting Words, which offended this Honorable House, and drew upon him this Imprisonment, Your Petitioner humbly confessing the Justice of his Restraint, beseecheth your Lordships Pardon, and pass over this his Offence, and he shall ever acknowledge your Lordships favor herein.

H. Pierpoint.

Hereupon it was resolved upon the Question, *That the Lord Pierpoint shall be delivered out of his restraint this Night.*

In the House of Commons, besides the Debate concerning the Matter of Privilege, of which before in the Conferences and Votes of the Lords House, several Propositions from the *Scottish Commissioners* were read, and upon the Question assented unto.

They were presented by Sir *Philip Stapleton*, in five Papers, in *hæc verba*.

Propositions  
from the Scots  
Commissioners,  
for 10000  
Men for Ire-  
land.

(1) *As in our first Proposition, we made offer of 10000 Men, in the Name of the Kingdom of Scotland, for a further Testimony of Our Zeal to his Majesties Service, and Respect and Brotherly Affection to the Kingdom of England; We declare, That we will upon the Charges of the Kingdom of Scotland, Levy and Transport those Men, and not stand with our Brethren upon Conditions of Levy and Transport Money, which we very well know is usual in such Occasions, and could not in reason have been denied us, and which will amount to a very considerable sum of Money.*

(2) *We desire that there may be 30000 l, advanced to us, of the Brotherly Assistance, because there are great Arrears due to our Soldiers, who will not willingly enter into a new Employment, unless they be satisfied with what is resting.*

(3) *We desire, because we cannot unfurnish the Kingdom of Scotland of Arms Canon and Ammunition, That what Proportion of any of these we send with our Army, That so many and such a Proportion of each kind may be presently sent into Scotland to remain there, till the return of what we take into Ireland, which we shall give Assurance shall be restored, we retaining so much of that, which shall be sent into Scotland, as shall be lost or spent of ours in the Service of Ireland.*

(3) *We desire, That with all Expedition some Ships of War may be appointed to go to Lothyan, Port Patrick or Ayr, to Guard and Waft over our Soldiers, whom we intend for Expedition, to Transport in small Vessels, and that these Ships shall attend at the Ports in Ireland, where we land, that they may be sent over again into Scotland, to bring over to us, any necessaries left behind, and to go to, and again, betwixt those Coasts, to keep the Passage free for Going and Returning.*

(5) *We desire, That for every 1000 Foot we send into Ireland, a 100 Horse be in readiness to joyn with them, and that these be ordered to*  
receive



receive Instructions and Orders, and in every thing to obey the Injunctions of our Commanders. This Proposition was not fully Assented to, but referred back to the Commissioners, for the propounding a leis proportion of Horle.

(6) By the Instructions sent by both Houses of your Parliament, to your Commissioners in Scotland, and which was sent by his Majesty from Berwick, to the Council there, they did beseech his Majesty to recommend to the Parliament of Scotland, that they would take into Consideration the Matter of Wages and other Charges, as they would have done for themselves.

We in this think we could not make particular Agreement with our Troops, but desire you would let us know, what entertainment, you give to your own Commanders and Soldiers, wherewith we shall be satisfied, and acquiesce to any Order you shall take with them, being willing to serve the Crown of England, with the same Affection, and upon the same Terms, as if we were English-Men born.

*Sic Subscribitur*

A. Fullerton.

This Evening the House sate late, and Candles were voted in, and a very great Debate there was, concerning the Remonstrance of the State of the Kingdom, which was presented to his Majesty at Hampton-Court, whether it should be Printed or not, the House was at the last divided upon it, with the Yeas, were 135. with the No 83. Whereupon it was Ordered, *That the Remonstrance shall be forthwith Printed and Published.*

House divided about Printing the Remonstrance.

Thus did these Men treat this excellent Prince, with repeated Acts of Ingratitude, for his transcendent Acts of Grace, and were so far from being satisfied or contented, that the King had given them so much, that they advanced in Confidence to demand all. And indeed were, as the sequel will make it plainly appear, resolved to demand still, till the King must be necessitated either to deny them, or divest himself of every thing but the shadow of Imperial Majesty and Power, that so they might have an Occasion to break with him, and endeavour to wrest the Residue of Sovereignty, which he had not parted with, by plain force out of his Hands.

His Majesty now began to feel the effects of that unparalell'd Act, for perpetuating this Parliaments sitting during their own Pleasure, and found in reality, that by this Act of the highest Confidence, by which he hoped, as he saith in his excellent Book, for ever to shut out and lock the Door, upon all present Jealousies and future Mistakes, some Men intended to shut him out of Doors himself, and that the permitting them to go up to the Pinacles of the Temple of Prerogative, gave them an irresistible Temptation, to throw down his Majesty and the Monarchy from thence, which fatal Act, though in his own Words, it was no Sin of his Will, yet was an Error of too charitable a Judgment.

Εἰκὼν Βασιλ. κη, cap. 5.

By the Printing and Publishing of this Remonstrance, his Majesty evidently saw that their Design was to render his Person, Reputation and Government Cheap, Contemptible and Odious to his Subjects, and this put him upon Printing likewise his Answer to the Remonstrance, and issuing out a Declaration to all his Loving Subjects, for his own Vindication. And here began the Paper-War between the King and Faction



Decemb.

1641.

The King's  
Answer to the  
Petition  
which accom-  
panied the Re-  
monstrance, as  
also the De-  
claration con-  
cerning it.  
Dec. 1641.

of the two Houses, in which they were plainly the Aggressors of his Honor, Dignity and Reputation, His Majesty only standing upon the Defensive. The Answer to the Petition and the Declaration were in these Terms.

**W**E having received from you, soon after Our Return out of Scotland, a long Petition, consisting of many Desires of great Moment, together with a Declaration of a very unusual Nature annexed thereunto, We had taken some time to consider of it, as befitting Us in a matter of that Consequence, being confident, that your own reason and regard to Us, as well as Our express intimation by Our Comptroller to that purpose, would have restrained you from the Publishing of it, till such time, as you should have received Our Answer to it: But much against Our expectation, finding the contrary, that the said Declaration is already abroad in Print, by Directions from your House, as appears by the printed Copy: We must let you know that We are very sensible of the disrespect. Notwithstanding, it is Our Intention, that no failing on your part, shall make Us fail in Ours, of giving all due Satisfaction to the Desires of Our People, in a Parliamentary Way; And therefore We send you this Answer to your Petition, reserving Our self in Point of the Declaration, which We think unparliamentary, and shall take a Course to do that which We shall think fit in Prudence and Honor.

To the Petition, We say; That although there are divers things in the Preamble of it, which We are so far from admitting, that We profess We cannot at all understand them, as, Of a wicked and malignant Party prevalent in the Government; Of some of that Party admitted to Our Privy Council, and to other Employments of Trust, and nearest to Us and Our Children; Of Endeavors to sow amongst the People, false Scandals and Imputations, to blemish and disgrace the Proceedings of the Parliament: All, or any of which, did We know of, We should be as ready to remedy and Punish, as you to Complain of. That the Prayers of your Petition are grounded upon such Premises, as We must in no Wise admit; yet notwithstanding We are pleased to give this Answer to you.

To the first concerning Religion, consisting of several Branches, We say, that for the preserving the Peace and Safety of this Kingdom from the designs of the Popish Party, We have, and will still concur with all the just Desires of Our People in a Parliamentary Way; That for the depriving of the Bishops of their Votes in Parliament, We would have you consider, that their Right is grounded upon the Fundamental Law of the Kingdom, and constitution of Parliament; This We would have have you consider, but since you desire Our concurrence herein in a Parliamentary Way, We will give no further Answer at this time.

As for the abridging of the inordinate Power of the Clergy, We conceive that the taking away of the High Commission Court hath well moderated that, but if there continue any Usurpations, or Excesses in their Jurisdictions, We therein neither have, nor will protect them.

Unto that Clause which concerneth Corruptions (as you style them) in Religion, in Church-Government, and in Discipline, and the removing of such unnecessary Ceremonies, as weak Consciences might check at. That for any illegal Innovations, which may have crept in, We shall willingly concur in the removal of them. That if Our Parliament shall advise Us to call a National Synod, which may duly examine such Ceremonies, as give just cause of Offence to any, We shall take it into Consideration, and apply Our Self to give



give due Satisfaction therein; But We are very sorry to hear in such general Terms Corruption in Religion objected, since We are perswaded in Our Conscience, that no Church can be found upon the Earth, that professeth the true Religion with more purity of Doctrine than the Church of England doth, nor where the Government and Discipline are joyntly more beautified, and free from Superstition, then as they are here established by Law, which (by the grace of God) We will with Constancy maintain (while We live) in their Purity and Glory, not only against all Invasions of Popery, but also from the irreverence of those many Schismatics and Separatists, wherewith of late this Kingdom and this City abounds, to the great dishonor and hazard both of Church and State; for the suppressing of whom We require your timely Aid and active Assistance.

Decemb.  
1641.

To the second Prayer of the Petition, concerning the removal and choice of Counsellors, We know not any of Our Council, to whom the Character set forth in the Petition can belong. That by those whom We had exposed to Trial, We have already given you sufficient Testimony, that there is no Man so near unto Us in Place or Affection, whom We will not leave to the Justice of the Law, if you shall bring a particular Charge and sufficient Proofs against him; and of this We do again assure you, but in the mean time We wish you to forbear such general Aspersions, as may reflect upon all Our Council, since you name none in particular.

That for the choice of Our Counsellors and Ministers of State, it were to debar Us, that natural Liberty all Freemen have, and it is the undoubted Right of the Crown of England, to call such Persons to Our secret Councils, to publick Employment, and Our particular Service, as We shall think fit, so We are, and ever shall be very careful to make Election of such Persons in those Places of Trust, as shall have given good Testimonies of their Abilities and Integrity, and against whom there can be no just Cause of exception whereon reasonably to ground a diffidence; and to choices of this Nature, We assure you that the mediation of the nearest unto Us hath always concurred.

To the third Prayer of your Petition, concerning Ireland, We understand your Desire of not alienating the forfeited Lands thereof, to proceed from your much Care and Love; And likewise that it may be a Resolution very fit for Us to take, but whether it be seasonable to declare Resolutions of that Nature before the Events of a War be seen, that We much doubt of. Howsoever, We cannot but thank you for this Care, and your chearful ingagement for the suppressing of that Rebellion; upon the speedy effecting thereof, the Glory of God in the Protestant Profession, the safety of the British there, Our Honor, and that of the Nation so much depends; all the Interests of this Kingdom, being so involved in that Business, We cannot but quicken your Affections therein, and shall desire you to frame your Councils, and to give such Expedition to the Work, as the Nature thereof, and the pressures in point of Time requires, and whereof you are put in Mind by the daily insolence and increase of those Rebels.

For Conclusion, your promise to apply your selves to such Courses as may support Our Royal Estate with Honor and Plenty at Home, and with Power and Reputation abroad, is that which We have ever promised Our Self, both from your Loyalties and Affections, and also for what We have already done, and shall daily go adding unto for the Comfort and Happiness of Our People.



Decemb.

1641.

## His Majesties Declaration to all His Loving S U B J E C T S.

Published with the advice of His Privy-Council.

**A**lthough We do not believe that Our House of Commons intended, by their Remonstrance of the State of the Kingdom, to put Us to any Apology, either for Our past or present Actions: Notwithstanding, since they have thought it so very necessary (upon their Observation of the present Distemper) to publish the same, for the satisfaction of all Our Loving Subjects, We have thought it very suitable to the duty of Our place (with which God hath trusted Us) to do Our part to so good a Work, in which We shall not think it below our Kingly Dignity to descend to any particular, which may compose and settle the Affections of Our meanest Subjects, since we are so conscious to Our Self of such Upright Intentions and Endeavours, and only of such (for which We give God thanks) for the Peace and Happiness of Our Kingdom, in which the prosperity of Our Subjects must be included, that We wish from Our heart, that even Our most Secret thoughts were published to their View and Examination: Though We must confess, We cannot but be very sorry in this Conjunction of time (when the unhappiness of this Kingdom is so generally understood abroad) there should be such a necessity of publishing so many particulars, from which, We pray, no inconveniencies may ensue that were not intended.

We shall in few words pass over that part of the Narrative, wherein the Misfortunes of this Kingdom from Our first entering to the Crown, to the beginning of this Parliament, are remembred in so sensible Expressions: And that other which acknowledgeth the many good Laws passed by Our Grace and Favour this Parliament, for the Security of Our People; of which We shall only say thus much, That as We have not refused to pass any Bill presented to Us by Our Parliament, for redress of those Grievances mentioned in the Remonstrance, so We have not had a greater Motive for the passing those Laws then Our own Resolution (grounded upon Our Observation, and understanding the State of Our Kingdom) to have freed Our Subjects for the future, from those Pressures which were grievous to them if those Laws had not been propounded, which therefore We shall as inviolably maintain, as We look to have Our own Rights preserved, not doubting but all Our Loving Subjects will look on those Remedies, with that full gratitude and affection, that even the memory of what they have formerly undergone by the Accidents and Necessities of those Times, will not be unpleasant to them: And possibly in a Pious Sence of Gods Blessing upon this Nation (how little share soever We shall have of the acknowledgment) they will confess they have enjoyed a great measure of Happiness (even these last sixteen years) both in Peace and Plenty, not only comparatively in respect of their Neighbours, but even of those times which were justly accounted Fortunate.

The Fears and Jealousies which may make some Impression in the minds of Our People, We will suppose may be of two sorts; either for Religion, or Liberty, and their civil Interests. The Fears for Religion may haply be, not only as Ours here Established, may be invaded by the Romish Party,  
but



but as it is accompanied with some Ceremonies, at which some tender Consciences really are, or pretend to be scandalized, for of any other which have been used without any legal Warrant or Injunction, and already are, or speedily may be abolished, we shall not speak.

Concerning Religion, as there may be any suspicion of favour or inclination to the Papists, We are willing to Declare to all the World, That as We have been from Our Child-hood brought up in, and practised the Religion now Established in this Kingdom; so it is well known, We have (not contented simply with the Principles of Our Education) given a good proportion of Our time and pains, to the Examination of the Grounds of this Religion, as it is different from that of Rome, and are from our Soul so fully satisfied and assured, that it is the most pure and agreeable to the Sacred Word of God, of any Religion now practised in the Christian World: That as We believe We can maintain the same by unanswerable Reasons, so We hope We should readily Seal to it by the Effusion of Our Blood, if it pleased God to call Us to that Sacrifice. And therefore nothing can be so acceptable unto Us, as any proposition which may contribute to the advancement of it here, or the propagation of it abroad, being the only means to draw down a Blessing from God upon Our Selves, and this Nation. And We have been extreemly unfortunate, if this profession of Ours be wanting to Our People: Our constant practice in Our own Person, having always been (without ostentation) as much to the Evidence of Our Care and Duty herein, as We could possibly tell how to express.

For differences amongst Our Selves, for matters indifferent in their own Nature concerning Religion, We shall, in tenderneß to any number of Our Loving Subjects, very willingly comply with the advice of Our Parliament, that some Law may be made for the exemption of tender Consciences from punishment, or prosecution for such Ceremonies, and in such cases which by the judgment of most Men, are held to be matters indifferent, and of some to be absolutely unlawful. Provided that this ease be attempted, and pursued with that modesty, temper and submission, that in the mean time the peace and quiet of the Kingdom be not disturbed, the decency, and comeliness of Gods Service discountenanced, nor the Pious, Sober, and Devout actions of those Reverend Persons, who were the first Labourers in the blessed Reformation, or of that time, be scandal'd and defamed. For We cannot without grief of heart, and without some Tax upon Our Self, and Our Ministers for the not Execution of Our Laws, look upon the bold Licence of some Men, in Printing of Pamphlets, in Preaching and Printing of Sermons, so full of bitterness and malice against the present Government, against the Laws Established, so full of Sedition against Our Self, and the peace of the Kingdom, that we are many times amazed to consider by what Eyes these things are seen, and by what Ears they are heard; And therefore We have good cause to Command, as We have done, and hereby do, all Our Judges and Ministers of Justice, Our Attorney and Sollicitor General, and the rest of Our Learned Council, to proceed with all speed against such, and their Abettors, who either by writing or words, have so boldly and maliciously violated the Laws, disturbed the Peace of the Common-wealth; and, as much as in them lies, shaken the very Foundation upon which that peace and happiness is Founded and Constituted. And we doubt not but all Our Loving Subjects will be very sensible that this busie, virulent demeanour is a fit Prologue to nothing but Confusion; and if not very Seasonably punished and prevented, will not only be a blemish to that wholesome accommodation We intend,

but

Decemb.  
1641.



Decemb.

1641.

but an unspeakable Scandal and Imputation, even upon the Profession and Religion of this Our Kingdom of England.

Concerning the Civil Liberties and Interest of Our Subjects, We shall need to say the less, having erected so many lasting Monuments of Our Princely and Fatherly Care of Our People, in whose many excellent Laws, passed by Us this Parliament, which in truth (with very much Content to Our Self) We conceive to be so large and ample, that very many sober Men have very little left to wish for.

We understood well the Right, and Pretences of Right, We departed from in the consenting to the Bills of the Triennial Parliament, for the continuance of this present Parliament, and in the preamble to the Bill of Tunnage and Poundage; the Matter of which having begot so many Disturbances in late Parliaments, We were willing to remove, that no Interest of Ours might hereafter break that Correspondence, abundantly contenting Our Self, with an Assurance (which We still have) that We should be repaired and supplied by a just proportion of Confidence, Bounty and Obedience of Our People. In the Bills for the taking away the High Commission, and Star-Chamber Courts, We believed We had given that real Satisfaction, that all Jealousies and Apprehensions of Arbitrary Pressures under the Civil or Ecclesiastical State, would easily have been abandoned, especially when they saw all possible Doubts secured by the Visitation of a Triennial Parliament.

These, and others of no mean Consideration, We had rather should be valued in the Hearts and Affections of Our People; then in any mention of Our own, not doubting, but as We have taken all these Occasions to render their Condition most comfortable and happy, so they will always in a grateful and dutiful relation, be ready with equal tenderness and alacrity, to advance Our Rights, and preserve Our Honor, upon which their own Security and Subsistence so much depends. And We will be so careful, that no particular shall be Presented unto Us, for the Compleating and Establishing that Security, to which We will not with the same readiness contribute Our best Assistance.

If these Resolutions be the Effects of Our present Councils, (and We take God to witness, that they are such, and that all Our loving Subjects may confidently expect the benefit of them from Us) Certainly no ill Design upon the Publick, can accompany such Resolution, neither will there be greater Cause of suspicion of any Persons preferred by Us to degrees of Honor, and Places of Trust and Imployment since this Parliament. And We must confess, That amongst Our Misfortunes, We reckon it not the least, That having not retained in Our Service, nor protected any one Person, against whom Our Parliament, hath excepted, during the whole sitting of it, and having in all that time scarce vouchsafed to any Man an instance of Our Grace and Favor, but to such who were under some eminent Character of Estimation among Our People, there should so soon be any mis-understanding or jealousy of their Fidelity and Uprightness, especially in a time when We take all Occasions to declare, That We conceive Our Self only capable of being served by Honest Men, and in honest Ways. However, if in Truth, We have bin mistaken in such Our Election, the Particular shall be no sooner discovered to Us, either by Our own Observation, or other certain Information, then We will leave them to publick Justice, under the Marks of Our Displeasure.

If notwithstanding this, any Malignant Party shall take Heart, and be willing to Sacrifice the Peace and Happiness of their Country to their own  
sinister



Decemb.  
1641.

*sinister Ends and Ambitions, under what pretence of Religion and Conscience soever; If they shall endeavor to lessen Our Reputation and Interest, and to weaken Our lawful Power and Authority with Our good Subjects; if they shall go about, by discountenancing the present Laws to loosen the Bonds of Government, that all Disorder and Confusion may break in upon Us, We doubt not, but God in his good time will discover them unto Us; and the wisdom and courage of Our High Court of Parliament, joyn with Us in their Suppression and Punishment.*

*Having now said all that We can, to express the cleernes and uprightness of Our Intentions to Our People, and done all We can to manifest those Intentions, We cannot but confidently believe all Our good Subjects will acknowledge Our part to be fully performed, both in Deeds past, and present Resolutions, to do whatsoever with Justice may be required of Us, and that their quiet and prosperity depends now wholly upon themselves, and is in their own power, by yielding all Obedience and due Reverence to the Law, which is the Inheritance of every Subject, and the only security he can have for his Life, Liberty or Estate, and the which being neglected or disesteemed (under what specious shews soever) a very great measure of Infelicity, if not an irreparable confusion must without doubt fall upon them. And We doubt not it will be the most acceptable Declaration a King can make to His Subjects, that for Our part We are resolved not only duly to observe the Laws of Our Self, but to maintain them against what opposition soever, though with the hazard of Our being.*

*And Our hope is, that not only the Loyalty and good Affections of all Our loving Subjects, will concur with Us in the constant preserving a good understanding between Us and Our People, but at this time their own and Our interest and compassion of the lamentable Condition of our poor Protestant Subjects in Ireland, will invite them to a fair Intelligence and Unity amongst themselves, that so We may with one Heart intend the relieving and recovering that unhappy Kingdom, where those barbarous Rebels practice such Inhumane and unheard of Outrages upon Our miserable People, that no Christian Ear can bear without horror, nor story parallel. And as We look upon this as the greatest affliction, it hath pleased God to lay upon Us, so Our unhappiness is increased, in that by the Dislemers at home, so early Remedies have not bin applyed to those growing Evils, as the Expectation and necessity there requires, though for Our part, as We did upon the first Notice acquaint Our Parliament of Scotland, (where We then were) with that Rebellion, requiring their Aid and Assistance, and gave like speedy Intimation and Recommendation to Our Parliament here; so since Our Return hither, We have bin forward to all things which have bin proposed to Us towards that work, and have lately Our Self offered (by a Message to Our House of Peers, and communicated to Our House of Commons) to take upon Us the Care to raise speedily 10000 English Volunteers for that Service, if the House of Commons shall declare, that they will pay them; which particulars We are (in a manner) necessitated to publish, since We are informed that the Malice of some Persons hath whispered it abroad, That the no speedier advancing of the business, hath proceeded from some want of alacrity in Us to this great Work, whereas We acknowledge it a high Crime against Almighty God, and inexcusable to Our good Subjects of Our Three Kingdoms, if We did not to the utmost imploy all Our Powers and Faculties to the speediest and most effectual Assistance and Protection of that distressed People.*

*And We shall now conjure all Our good Subject (of what degree soever)*  
by



Decemb.  
1641.

by all the Bonds of Love, Duty or Obedience, that are precious to good Men to joyn with Us for the Recovery of the Peace of that Kingdom, and the preservation of the Peace of this, to remove all their Doubts and Fears, which may interrupt their Affection to Us, and all their Jealousies and Apprehensions, which may lessen their Charity to each other, and then (if the Sins of this Nation have not prepared an inevitable Judgment for Us all) God will yet make Us a Great and Glorious King, over a Free and Happy People.

Thursday,  
Decemb. 16.

Sir Philip Stapleton brings a Message from the Commons, To desire that the Proceedings in the Affairs of Ireland may be taken into Consideration with Expedition.

First, That their Lordships would give a speedy Answer touching the Bill for pressing of Soldiers.

Secondly, To joyn with them in their Desires to His Majesty, that he will make a Declaration against Toleration of the Popish Religion.

Thirdly, To give the Commons a Conference by a Committee of both Houses, touching the Treaty with the Scots, concerning the business of Ireland; To the last of which the House assented, and said, they would take the two first into consideration.

The Lord Chamberlain Reported, That himself, and the Lord Steward had attended the King with the Message concerning the Seven Condemned Priests; and that His Majesty returns this Answer for the present, That he will take it into Consideration, and return an Answer to the House.

Then the Arch-Bishop of York Reported the Protestation to be entred in the Journals of both Houses, concerning breach of Priviledge; as also the Petition and Remonstrance to be presented to the King upon that matter: The Declaratory Protestation was read *in hæc verba*.

The Declaratory Protestation concerning breach of Priviledge.

**W**Hereas His Most Excellent Majesty did upon Tuesday last in full Parliament, in a Speech to both Houses, take notice of a Bill for the pressing of Soldiers, being in Agitation in the said House, and not agreed upon; and did offer a Salvo Jure, or Provisional to be added to the said Bill, and did at the same time declare his Displeasure against some Person or Persons, which had moved some Doubt or Question concerning the same; The Lords and Commons do Protest and Declare, That such His Majesty's Speech is contrary to the Fundamental, Ancient, and Undoubted Liberty and Priviledge of Parliament, and that it doth of Right belong unto them, amongst other Priviledges of the High Court of Parliament, that the King ought not to take notice of any matter in Agitation or Debate, in either of the Houses of Parliament but by their Information or Agreement; and that His Majesty ought not to propound any Condition, Provision, or Limitation, to any Bill or Act in Debate or Preparation, in either House of Parliament, or to manifest or declare his Consent, or Dissent, Approbation or Dislike of the same, before it be presented to him by the consent of both Houses: And that every particular Member of either House hath free Liberty of Speech, to Propound or Debate any matter, according to the Order and Course of Parliament: And that His Majesty ought not to conceive displeasure against any Man, for such Opinions and Propositions as shall be delivered in such Debate, it belonging to the several Houses of Parliament respectively to Judge and Determine such Errors and Offences, in Words or Actions, as shall be committed



mitted by any of their Members, in handling and debating any Matters there depending; and for the preservation of the said Priviledges for the time to come, they do ordain and appoint, That this their Protestation and Declaration shall be entred in both Houses, and that an humble Remonstrance and Petition, shall be framed, and presented to His Majesty in the Name of both Houses, declaring this their Ancient and Undoubted Right, humbly desiring His Majesty to observe and maintain the said Priviledges; and that he will not take notice of any particular Man's Speeches or Carriage concerning any matter in Treaty and Debate in Parliament, or conceive any offence or displeasure for the same, but that he will declare and make known the Name or Names of the Person or Persons, by whose misinformation and evil Council he was induced to the Breach of the Priviledges of Parliament aforementioned.

Decemb.  
1641.

After the Reading whereof, it was Resolved upon the Question, That this Declaratory Protestation now read, is approved of, and shall be Entred into the Journal of this House.

Memorandum, It is declared by this House, That the Person or Persons, whom the King shall Name, shall not be liable to any punishment without further proof.

Next the Petition and Remonstrance was read in these Words.

To the King's most Excellent Majesty,

The Humble Petition of the Lords and Commons in Parliament concerning His Majesty's Speech, of the 14th of December, 1641.

Most Gracious Sovereign,

**Y**our Majesties most Humble and Loyal Subjects, the Lords and Commons in Parliament, Do, with all Faithfulness and Zeal to Tour Majesties Service, acknowledge Tour Royal Favour and Protection to be a great Blessing and Security to them, for the enjoying and preserving of all those publick and private Liberties and Priviledges which belong unto them: And whensoever any of those Liberties or Priviledges shall be invaded, or broken, they hold themselves bound with humility and confidence, to resort to Tour Princely Justice for redress and satisfaction. And because the Rights and Priviledges of Parliament are the Birth-right and Inheritance, not only of themselves, but of the whole Kingdom, wherein every one of Tour Subjects is interess'd. The maintenance and preservation whereof doth very highly conduce to the publick peace and prosperity of Tour Majesty and all Tour People; they conceive themselves more especially obliged with all humbleness and care; yea, with all earnestness and constancy of resolution, and endeavour to maintain and defend the same. Amongst other the Priviledges of Parliament; they do with all dutiful Reverence to Tour most Excellent Majesty declare, That it is their Ancient and Undoubted Right, that Tour Majesty ought not to take notice of any matter in Agitation and Debate in either Houses of Parliament, but by their information and agreement: And that Tour Majesty ought not to propound any Condition, Provision, or Limitation to any Bill

The Petition  
of the Parlia-  
ment concern-  
ing breach of  
Priviledge by  
King's Speech  
of Decemb. 14  
1641.



Decemb.

1641.

or Act in Debate or preparation in either Houses of Parliament; or to manifest or declare your consent or dissent, approbation or dislike of the same, before it be presented to Your Majesty in due course of Parliament: And that every particular Member of either House hath free liberty of Speech to propound or debate any matter according to the order and course of Parliament: And that Your Majesty ought not to conceive displeasure against any Man for such Opinions and Propositions as shall be delivered in such debate, it belonging to the several Houses of Parliament respectively to judge and determine such Errors and Offences in Words or Actions as shall be committed by any their Members, in the handling or debating any matters depending.

They do further declare, That all the Priviledges above-mentioned have been lately broken, to the great sorrow and grievance of your most humble and faithful Subjects in that Speech which Your Majesty made in Parliament to both Houses upon Tuesday last, the 14th of this present Month of December, in that Your Majesty did therein take notice of a Bill for impressing of Soldiers, being in Agitation in the said Houses, and not agreed upon: And that Your Majesty did therein offer a Salvo Jure, or provisional Clause to be added to that Bill before it was presented to Your Majesty by the Consent of both Houses, and did at the same time declare Your displeasure against such Persons as had moved some Doubt or Question concerning the same Bill. All which they do affirm and declare to be against the Ancient, Lawful and Undoubted Priviledges and Liberties of Parliament.

And therefore they most humbly beseech Your Majesty, by Your Royal Power and Authority, to maintain and protect them in these and all other the Priviledges of Your High Court of Parliament, that You will not for the time to come, break or interrupt the same. And that none of Your Loyal Subjects may suffer or sustain any prejudice in Your Majesties favour or good opinion for any thing done or spoken in Parliament. And for the reparation of Your Loyal Subjects in this their just Grievance and Complaint, for the Breackes of their Priviledges above-mentioned, and prevention of the like, for the time to come: That Your Majesty will be pleased to declare and make known the Name or Names of the Person or Persons, by whose mis-information and evil Counsel Your Majesty was induced to the same, that so he or they may receive such condigne punishment, as shall appertain to Justice in that behalf. And this they most humbly desire, and as Your greatest and most faithful Council shall advise Your Majesty to perform, as that which will be not only a comfort to themselves, but likewise a great advantage to Your Majesty, by procuring and confirming such a Confidence and Unity betwixt Your Majesty and Your People, as may be a foundation of Honour, Safety, and Happiness to Your Person and Throne, as they stand bound always to pray for, and endeavour.

Which being done, it was Resolved upon the Question, That this Petition and Remonstrance now read, shall be presented to the King, and these Lords following were appointed to go along with such Members as the House of Commons should appoint, to attend the King accordingly Viz. Arch-Bishop of York, Lord Steward, Earl Marshal, Lord Admiral, Earl of Bath, Earl of Dorset, Earl of Cambridge, Earl of Bristol, Earl of Holland, Lord Wharton. The Commons appointed the same Committee for this Service which are before named; to whom were added, Sir Henry Vane Senior, Mr. Lisle, Sir Ralph Hopton, Lord Crompton, Lord



Lord Buckhurst, Mr. Jones, Sir Edward Patherich, Mr. Palmer, Sir Rich. Buller, Sir Sam. Oldfield, Sir Simon D'Ewes, Mr. Cary, Sir Jo. Culpeper, Sir Rob. Harley, Sir John Clotworthy.

Decemb.  
1641.

The Lord Steward, and the Earl of Holland were appointed presently to attend the King, *To know what time he will please to appoint the Select Committees of both Houses may wait upon him for this purpose.* To which the Lord Steward brought Answer, *That the King appoints to morrow at two of the Clock at White-Hall.*

In the Commons House, after the Reading and Voting of the Protestation, Petition, and Declaration, It was Ordered, *That Mr. Speaker do write his Letters to the Mayor of Berwick, enjoining him to require such Papists and suspected Persons as reside in Berwick, or make their Constant repair thither, forthwith to depart the Town; and such as shall refuse, to tender the Oaths of Supremacy and Allegiance unto them; and to proceed against them according to Law: And to require him, that a Guard be kept at the several Gates of that Town; and that the Arms of that place be in readines.* And Mr. Speaker is likewise to write to the Mayor of Newcastle, and to the Mayor of Hull, requiring them to have a special Care in the disarming of Recusants, and injoining them to depart those places, and such as shall refuse, to tender unto them the Oaths of Supremacy and Allegiance, and to proceed against them according to Law, and to have the Arms of those Towns in a Readiness and good Condition, for the defence of those Places; especially the Mayor of Hull to provide well for the safety of the Magazine there: And that Sir Robert Harley and Mr. Littleton do repair to the Lord Keeper, and to desire him to issue out Commissions to the Mayors of Berwick, Hull and Newcastle, enabling them to tender the Oaths of Supremacy and Allegiance to Papists and suspected Persons.

Orders to the Mayor of Berwick, Hull, and Newcastle to take care of those Places.

After which, it was Resolved upon the Question, *That Sir James Douglass shall be sent for as a Delinquent, by the Serjeant at Arms attending the House.*

Sir James Douglas to be sent for as a Delinquent.

A Petition of the Knights and Gentlemen of the County of Hertford, on the behalf of themselves and divers others, was this day read, and it was Ordered, *That the same shall be taken into Consideration, on Saturday next; and also at the same time to Debate such other Matters as shall be necessary for the defence of the Kingdom, and of putting the Kingdom into a Posture of Defence.* And Mr. Speaker is to put the House in mind of this Order.

Hertfordshire Petition.

I have not been able to recover this Petition, but it is easie by the Order that treads upon the Heels of it, to know that the Matter was putting the Bishops out, and the Kingdom into a Posture of Defence; which Two Topicks were by the indefatigable Emissaries of the Faction laboured for night and day: To say the truth, they were the most industrious Solicitors to promote mischief that ever the Sun saw, and used the utmost diligence to set such Petitions on foot, and by all the Arts imaginable, but more particularly by threatening the Timorous with the Parliaments displeasure, so procure hands to such Petitions, which were to be presented to the Houses as the Sense of the Nation; by which way of procedure they endeavoured to put a fair Countenance upon their Actions, as being the Results of the Desires of the People, when as in reality they were their own Contrivances, and those Petitions were most of them framed by a *Juncto* of the Faction at Lon-



Decemb.

1641.

don, and then by their Agents sent down and set afoot in the Country.

It was also Ordered, *That Sir Robert Cooke do repair to the Lord Lieutenant of Ireland, and to desire him for the Expediting of the Service of that Kingdom, to issue forth Commissions for the Raising of two Regiments in Ulster; and also to hasten all other Commissions, for the Raising of Men for that Kingdom; and to acquaint him with the Two Orders for the Impressing of 3000 l. for the Raising, Conducting, and Transporting 2 Regiments of 1500 Men; and to the Master of the Ordnance, to deliver unto him such quantities of Powder, as shall be thought necessary for the present Expedition to be sent into Munster in Ireland.*

Friday,

Decemb. 17.

The Arch-Bishop of York Reports, *That the Committee of this House met with the Select Committee of the House of Commons, and waited on the King at White-Hall, and delivered unto his Majesty the Petition and Remonstrance of both Houses, touching the Priviledge of Parliament, and his Majesty returns this Answer, That he will send an Answer in convenient time in Writing.*

The House of Lords then fell into debate about several Amendments to the Declaration, to be offered to the King, not to Tolerate the Popish Religion in Ireland, or any other of His Majesties Dominions, and it being moved, *That a Clause might be added, That no Religion might be Tolerated, but what is Established by the Laws of this Kingdom;* The Lords of the Faction being aware of the Consequence, and being as much resolved to destroy the Religion by Law Established, as the Papists could be for the hearts of them, therefore stoutly opposed it, and after a long Debate, It was Ordered, *That this House approves of, and confirms the Report with the Amendments and Alterations; and that the Clause against Tolleration of Popish Religion shall go singly as it is, and that the Amendments and Alterations be communicated to the House of Commons:* And it was further Ordered, *That the Earl of Bristol do draw a Declaration to this Effect, That no Religion shall be Tolerated in his Majesties Dominions of England and Ireland, but what is or shall be Established by the Laws of this Kingdom, and present the same to the Committee for Religion, who are to meet on Tuesday next, at such time and Place as the House shall appoint on Monday.*

The Fast for  
Ireland.

A Message was brought from the House of Commons by Sir Arthur Hazlerigg, to let their Lordship know, *That the Commons do fully agree to the three Days appointed for the Fast. The Days were Wednesday next for both Houses of Parliament, and London; Thursday next for the City of Westminster; and Thursday come Month for the whole Kingdom.* Then the House appointed the Lord Arch-Bishop of York to Preach the Fast Sermon in the Abby before the Lords in the Morning, and the Lord Primate of Armagh to Preach in the Afternoon; and Tuesday was appointed to be the day for gathering the Collection of the Lords, towards the Relief of the poor distressed English, who had been stripped and despoiled by the Rebels.

Mr. Daniel  
O Neal, and  
Mr. Jermyn,  
and Mr. Percy  
to be Impea-  
ched of High  
Treason.

The Commons fell upon the Revived Affair of the Plot of the Army, and first the Impeachment of the Commons House of Parliament against Daniel O Neal Esq; for High Treason, was this Day read, and Re-Committed to the same Committee, to prepare it in such a way, as that all the Evidence may be brought in.

Then it was Resolved, &c. *That Mr. Jermyn, Mr. Percy, and Sir John Suckling, shall be Accused by this House for the present, and Impeached of High Treason.*

The



The Question was propounded, Whether Sir John Berkley shall be bailed, upon the tender of such Bail, as this House shall allow of, and then the Question was put, Whether this Question should be now put, the House was divided, the Yeas went forth, with the Yeas 104, with the No. 98, so it passed in the Affirmative; then the Question was put, Whether Sir John Berkley should be bailed, the House was divided again and the Yeas went out, with the Yeas 122, with the No, 84. Whereupon it was Ordered, *That Sir John Berkely should be bailed.*

Decemb.  
1641.

Sir John Berkley ordered to be Bailed.

A Petition from the County of Surrey was read, and such Gentlemen as did attend, were called in, and did avow it, and Mr. Speaker told them, *That this House did accept it in good Part, and did not doubt of the Truth of it, that they might get more Hands, as is alledged in the Petition, they are satisfied with those already gotten, and for the procuring of more the House referred it to their Judgment.*

Mr. Pym Reported, *That the Committee who attended his Majesty, had a suddain admittance, and a gracious acceptance, that the Lord Arch-bishop of York read the Petition, and his Majesty said, That as it had taken some time to prepare, so he would take some time to answer it, and that lest there might be some Mistakes in Words, he would give his Answer in Writing*

Mr. Pym's report of the delivery of the Petition to his Majesty.

Then the House fell upon the Business of Ireland, and it was Resolved, &c.

Votes concerning Ireland.

*That the Pay to the Officers of the new Levies, shall continue for six Months according to the proportions formerly resolved upon, if the Wars shall so long continue.*

Resolved, &c. *That the Lord Lieutenant of Ireland, shall be directed to pay 562 l. 17 s. 4d. according to the Rate agreed upon, being a Months Pay, for the Officers of his own Regiment.*

Resolved, *That the Lord Dungaruan's Troop, shall have a Months Pay according to the Rate agreed upon.*

Resolved, &c. *That 114 l. 16 s. 0. being a Months Pay shall be paid to the Officers of the four hundred Fire-locks, consisting of two Companies.*

Resolved, &c. *That 800 l. shall be imprested for the Raising, Conducting and Transporting into Ireland, the said 400 Fire-locks, and keeping them there till the first Muster.*

Resolved, &c. *That the Sum of 214 l. 13 s. 4d. shall be paid to the Officers of the 500 Men in five Companies, which are to go to Knockfergus for a Months Pay.*

Resolved, &c. *That the Sum of 1000 l. shall be paid for the Levying, Conducting and Transporting the said 500 Men, and keeping them there till their first Muster.*

Resolved, &c. *That 432 l. 13 s. 4d. being for a Months Pay, shall be paid to the Officers of a Regiment of 1000 Men in Nine Companies for Munster.*

Resolved, &c. *That 1000 l. shall be imprested for the Levying, Conducting and Transporting into Ireland 500 of those Men, which are to be raised here in England, for the said Province of Munster, and for the keeping them together till the first Muster.*

Resolved, &c. *That 543 l. 4 s. shall be paid to the Officers of the Troops of the 300 Carabins, being for a Months Pay.*

Resolved, &c. *That the Sum of 4128 l. shall be paid for the Levying of the 300 Carabins, and for the 44 Horses for the Officers of the 4 Troops, reckoning*



Decemb.

1641.

reckoning to every Troop eleven Horses, which makes in all 344 Horses, at 12 l. a Horse, and for the Conducting the said Horses to Chester, and keeping them there till they are Muster'd, and that so soon as they are Muster'd, they shall enter into Pay, and that a Commissary do go along with them to Muster them, so soon as they come there, and likewise that a Commissary continue there, and Muster them when they go into the Ship. The Saddles to be furnished out of his Majesties Stores.

Resolved, &c. That 179 l. 4s. being for one Months Pay, shall be paid to the Officers of the 300 Dragoons in three Companies.

Resolved, &c. That 5 l. a Horse shall be allowed for the 300 Dragoons, and for the 33 Horses for the Officers, allowing to every Company 11 Horses; for the buying of them, and bringing them upon the Place of Muster, and then to enter into Pay.

Resolved, &c. That 200 l. more, shall be forthwith imprested upon account to the Officers of the Ordnance, for the carrying down the Arms to Chester, out of the 50000 l. lent by the City of London, for the Affairs of Ireland.

Resolved, &c. That 186 l. 13s. 4d. being one Months Pay, shall be paid to the Officers, which are to Command the five hundred Men in the Province of Connaght being Officers of five single Companies.

Resolved, &c. That a Months Pay for Sir Simon Harcourt's Regiment of 1100 Men, viz. For the Officers 470 l. and for the 1100 Men 1026 l. shall be likewise paid.

Ordered, That Owen O Connelly be from this House recommended to the L. Lieutenant of Ireland, to have the Command of one of the Companies of Dragoons.

The House of Commons having by Vote assented to the time of the Fast, Mr. Calamy and Mr. Marshal are desired to preach on that Day, at St. Margarets Westminster before the House of Commons; and Sir Robert Harlow undertook to give Mr. Calamy notice, and Sir Thomas Barrington to Mr. Marshal.

The Lord Steward acquainted the House, That the King assented to the Desires of both Houses concerning the Fast, and the Dayes they have agreed upon.

The E. of Bristol Reported a Paper containing the Sense of the House yesterday, concerning the first Proposition of the Scots Commissioners, which was read in hæc verba.

That the House of Peers will assent to the sending 10000 Scots, but under this Condition, that it be presently voted in both Houses, and assented unto by his Majesty, that 10000 English be likewise sent with all the possible speed as may be, and that all such Monies as shall be raised and assigned for this expedition be equally divided; and that proportion, as belongeth to the English, be not meddled withal, upon any Occasion, but be wholly employed for the raising and sending away 10000 English, and this is likewise to be understood, besides the 2000 English Horse, which have been in Proposition to be desired.

A Message was then brought up from the House of Commons by Arthur Goodwin Esquire, to let their Lordships know, That he was Commanded by the Knights, Citizens and Burgesses for the Commons, now Assembled in Parliament to accuse, and in the Name of the House of Commons, and of all the Commons of England, did accuse Daniel O Neal of High Treason:

Saturday,  
Decemb. 18.

Mr. Daniel O  
Neal impeach-  
ed of High  
Treason, and  
committed to  
the Gate-House.



son: and further he was to desire, That their Lordships would send for the said Daniel O Neal, and commit him to safe Custody, and in convenient time, the House of Commons will bring up the particular Charge against him.

Decemb.  
1641.

Whereupon a Warrant was sent to bring Daniel O Neal before the Lords, which being done, and he being brought to the Bar as a Delinquent, the Lord Keeper by the Command of the House told him. *That he is accused by the House of Commons, in the Name of the House of Commons, and of all the Commons of England of High Treason; and that this House doth commit him to the Prison of the Gatehouse in Westminster, there to remain until the Pleasure of this House be further known.*

After this the House fell upon the Bill for pressing of Soldiers, and it was moved, *That before it be debated by this House, Mr. Attorney General may be heard, what he can say for the King therein, if he desires it.* Hereupon Mr. Attorney General desired the House to give him leave to be heard for the King concerning the said Bill, which the House gave way unto, and then presently Mr. Attorney made a long Argument in the King's behalf, which being done, the House Ordered that the debate of the said Bill for pressing of Soldiers should be upon Monday next.

In the Commons House among other things, the Consideration of the Navy came under Debate, and it was Ordered, *That the Committee formerly appointed to consider of the Affairs of the Navy, do draw an Order according to the Debate this Day, about the disposing of the Monies for Tunnage and Poundage, and likewise to consider what Way is fit for this House to take for the Continuance of Sir Henry Vane in the Place of Treasurer for the Navy.*

Then the Humble Petition of the Officers of the late Army was read, and some of the Officers that presented it were called in, and Mr. Speaker told them, *That it was the great necessities of this Kingdom that had unexpectedly fallen upon them, which hath prevented the full Satisfaction, which the House much desired to give them, that within a very small time, they hope they shall be able to do it.*

The Officers  
Petition for  
their Arrears;  
and are an-  
swered  
smoothly.

This Day the King sends by the Lord Keeper a Message, to let the House of Lords know, *That he would send his Answer to the Petition this Afternoon, so soon as the Committees of both Houses do attend him, which was immediately by a Messenger communicated to the Commons.*

Monday,  
Decemb. 20.

Next a Petition was delivered into the House by the Lord Keeper, by Command of the King, from the County of Chester, concerning Church Government and the Book of Common Prayer, but it was laid aside for the present, being not very welcome.

These People notwithstanding the rebuke, which Sir Thomas Aston had met with, for a Petition of this Nature, yet in the midst of these wicked Times durst be honest, and publickly avow themselves so, which was far more.

The Petition, as I find it in a Collection of Petitions, printed afterwards by his Majesties Command at York, to let the World see, that a very considerable Part of the Nation was utterly against the pretended Reformation, was as follows.

To



Decemb.

1641.

The *Cheshire*  
Petition for  
the Common  
Prayer, and  
suppression of  
Schismatics,  
&c.

To the King's Most Excellent Majesty, and to the Right Honorable the Lords, and the Honorable the House of Commons, Assembled in Parliament.

The Humble Petition of divers of the Nobility, Justices, Gentry, Ministers, Freeholders, and other Inhabitants of the County Palatine of *Chester*, whose Names are contained in the Schedule Annexed.

**Y**Our Petitioners with all Cheerfulness and Contentation, affying in the happy settlement of the Distractions both of Church and State, by his Majesties pious Care, and the prudent and religious Indeavors of this Honorable Assembly, and with due Humility and Obedience, submitting to the unanimous Conclusions thereof, yet conceive themselves bound in Duty,

Humbly to represent to your mature Considerations, That the present Disorders of many Turbulent and Ill-disposed Spirits, are such, as give not only Occasion of present discontent to your Petitioners, but seem to import some ill event without early prevention.

The pure Seed of our Faith, the Doctrine of the Reformed Protestant Religion, Established by so many Acts of Parliament, and so harmoniously concurring with the Confessions of all other Reformed Churches, being tainted with the Tares of divers Sects and Schismes, lately sprung up amongst Us.

Our Pious, Laudable and Ancient Form of Divine Service, composed by the Holy Martyrs, and worthy Instruments of Reformation; Established by the prudent Sages of State, your religious Predecessors; honored by the Approbation of many learned Foreign Divines; subscribed by the Ministry of the whole Kingdom; and with such general Content, received by all the Laity, that scarce any Family or Person that can read, but are furnished with the Books of Common Prayer; in the conscionable Use whereof, many Christian Hearts have found unspeakable Joy and Comfort; wherein the famous Church of England our dear Mother hath just Cause to Glory: and may She long flourish in the Practise of so blessed a Liturgy! \* Yet it is now not only depraved by many of those who should teach Conformity to Established Laws, but, in Contempt thereof, in many Places wholly neglected. All these daily practised with Confidence, without Punishment, to the great dejection of many sound Protestants, and occasioning so great insultation and rejoycing in some Separatists, \* as they not only seem to portend, but menace some great Alteration; and not containing themselves within the Bounds of Civil-Government, do commit many tumultuous, if not Sacrilegious Violences, both by Day and Night, upon divers Churches.

Therefore your Petitioners, being all very apprehensive of the dangerous Consequences of Innovation, and much scandalized at the present Disorders,

Do all unanimously Pray,

That there be admitted no Innovation of Doctrine or Liturgy, that Holy Publick Service, being so fast rooted by a long settled continuance in this Church, that in Our Opinion and Judgments it cannot be altered, unless by the Advice and Consent of some National Synod, without an universal Discontent; and that some  
speedy

\* This the Reader will see presently in a Petition by Dr. Burgess, &c. of this Day.

\* The true temper of the Separatists and Schismatics from their first original to this Day.



*speedy Course be taken to suppress such Schismaticks, and Separatists, whose factious Spirits do evidently indanger the Peace both of Church and State.*

Decemb.

1641.

*And Your Petitioners shall ever Pray, &c.*

*Signed by Lords, Knights, Justices of the Peace, and Esquires—94*  
*By Gentlemen of Quality—440*  
*By Divines—86*  
*By Free-holders and others, in all—8936*

*In all—9556.*

And in regard their Piety and Loyalty deserves a place in the Records of time, and that in these Petitions the Reader will see the Temper and Genius of these Seditious and Turbulent Sectaries and Schismaticks, the very Pests of Church and State; the main Occasioners, Managers, Promoters, Contrivers, Encouragers, Supporters, and Conductors of this most Execrable Rebellion, from its first Original till its last fatal Period, most accurately pointed out, in the just and too modest complaints of these Petitions; for the Times and Persons would not bear truth, unless apparelled in the most submissive Garb and Posture. I will here subjoyn Sir Thomas Ashton's Petition, which was presented to the Lords, and for which he received a smart rebuke, and narrowly escaped a Prison, which I should have done in its proper place, had this Collection of Petitions then come to my hands. The Petition was as follows.

## To the High and Honorable Court of Parliament,

The Nobility, Knights, Gentry, Minsters, Freeholders, and Inhabitants of the County Palatine of Chester, whose Names are Subscribed in several Schedules hereunto Annexed.

Humbly Shew;

**T**hat whereas divers Petitions have lately been carried about this County, against the present Form of Church Government, and the hands of many Persons of ordinary Quality solicited to the same, with pretence to be presented to this Honourable Assembly; which we conceive not so much to aim at Reformation, as absolute Innovation of Government, and such as must give a great advantage to the Adversaries of our Religion; We held it our Duty to disavow them all, and humbly pray, That we incur no mis-censure if any such Clamours have, without our privacy, assumed the Name of the County.

The cheshire Petition, delivered to the House of Lords by Sir Thomas Ashton.

We, as others, are sensible of the common Grievances of the Kingdom, and have just cause to rejoyce at, and acknowledge, with thankfulness, the pious Care, which is already taken, for the suppressing of the Growth of Popery, the better to supply able Ministers, and the removing of all Innovation; and we doubt not but in your great Wisdoms you will regulate the Rigor of the Ecclesiastical Courts, to suit with the Temper of our Laws, and the Nature of Free-men.

Tet, when we consider, That Bishops were instituted in the time of the Apostles; that they were the great Lights of the Church in all the first General Councils; that so many of them sowed the Seeds of Religion in



Decemb.

1641.

their Bloods, and rescued Christianity from utter Extirpation in the Primitive Heathen Persecutions: That to them we ow the Redemption of the purity of the Gospel, we now profess, from Romish Corruption; that many of them for the propagation of the Truth, became such Glorious Martyrs, that divers of them, lately, and yet living with us, have been so great Assertors of our Religion, against the Common Enemy of Rome; and that their Government hath been so long approved, so oft Established, by the Common and Statute Laws of this Kingdom, and as yet nothing in their Doctrine, generally taught, dissonant from the Word of God, or the Articles ratified by Law. In this Case, to call their Government a perpetual Vassallage, an intollerable Bondage, and, *prima facie* & *inauditâ alterâ parte*, to pray the present removal of them; or, as in some of their Petitions, to seek the utter Dissolution and Ruin of their Offices as Anti-Christian, We cannot conceive to relish of Justice or Charity, nor can We joyn with them.

But on the contrary, when We consider the Tenor of such Writings, as in the name of Petitions are spread among the Common People; the Tenents Preached Publickly in Pulpits; and the Contents of many Printed Pamphlets swarming among us, all of them dangerously exciting a disobedience to the Established Form of Government, and their several intimations of the desire of the Power of the Keys, and that their Congregations may Execute Ecclesiastical Censures within themselves; We cannot but express our just Fears, that their desire is to introduce an absolute Innovation of Presbyterial Government, whereby We who are now governed by the Canon and Civil Laws, dispensed by Twenty six Ordinaries, easily responsible to Parliaments for any deviation from the Rule of the Law, conceive we should become exposed to the meer Arbitrary Government of a numerous Presbytery; who, together with their Ruling Elders, will arise to near forty thousand Church Governors; and with their adherents, must needs bear so great a sway in the Common-wealth, that if future inconvenience shall be found in that Government, we humbly offer to consideration, how these shall be reducible by Parliaments, how consistent with Monarchy, and how dangerously conducible to Anarchy; which We have just cause to pray against, as fearing the Consequences would prove the utter loss of Learning and Laws, which must necessarily produce an Extermination of Nobility, Gentry, and Order, if not of Religion.

With what vehemency of Spirit these things are prosecuted, and how plausible such Popular Infusions spread, as incline to a Parity, we held it our Duty to represent to this Honourable Assembly; and humbly pray, That some such present Course be taken, as in your Wisdoms shall be thought fit, to suppress the future dispersing of such dangerous discontents among the Common People. We having great Cause to fear, That of all the Distempers that at present threaten the welfare of this State, there is none more worthy the mature and grave Consideration of this Honourable Assembly, then to stop the Torrent of such Spirits, before they swell beyond the bound of Government: Then We doubt not but His Majesty persevering in his gracious Inclination to hear the Complaints, and relieve the Grievances of his Subjects in frequent Parliaments, it will so Unite the Head and the Body, so indissolubly Cement the Affections of his People to our Royal Sovereign, that without any other Change of Government, He can never want Revenue, nor Wee Justice.

We have presumed to annex a Copy of a Petition, or Libel dispersed, and certain positions Preacht in this County, which We conceive im-

ply



ply Matter of a dangerous Consequence, to the Peace both of Church and State. All which We humbly submit to your great Judgments, Praying they may be read,

And shall ever Pray, &c.

Subscribed to this Petition,

Four Noblemen.

Knights Baronets, Knights and Esquires fourscore and odd.

Divines threescore and ten.

Gentlemen three hundred and odd.

Free-Holders, and other Inhabitants above six thousand.

All of the same County.

It was this Day moved, That the Earl of Salisbury having some business depending in the House of Commons, and his Lordship desires, being a Peer, he may have leave of this House to follow it, which the House Granted.

Then the Lords Commissioners Reported, That this Morning they met with the Scots Commissioners, who delivered them this Paper following, with a desire, that they might have a speedy Answer therein, for that they are to send Letters away presently to Scotland. The Paper was this.

It is now 20 Daies since We came hither, and a Fortnight since We begun this Treaty, and there is no one of our Propositions answered; therefore lest those that sent us, and expected an Answer from us against the 8th of this Month, should impute it to us, we earnestly desire and expect an Answer to our Propositions given, that we may give in the rest and be at a point this Day, or to morrow; and in Case of further Delay, we demand that since the 8th of this Month (at which time we should have sent Answer into Scotland) to the end of the Treaty, we may have Entertainment for the 2500 Men; we have kept up for this Service, otherwise we must send into Scotland, that they may be disbanded.

A Message was brought from the House of Commons by Mr. Hollis, to desire a Conference by a Committee of both Houses touching the Declaration, the Propositions from the Scots, the Bill for pressing of Soldiers for Ireland, without which they say Men cannot be raised for that Service.

And further he said, That the House of Commons do make this Declaration, that they have done what they can, to further the Relieving of the miserable and distressed Estate of the Protestants in Ireland, and they do clear themselves of the Blood and Miseries which will follow, if Expedition be not done speedily, to those means that may relieve them. To which their Lordships answered, That they would give a present Meeting, touching the 2 first Propositions, and will consider of the rest and expedite them with all speed.

Next a Letter was read from Sir John Temple at Dullin, to the Lord Lieutenant of Ireland, the principal Matters of which were, That Succors come so slowly out of England, That the whole State of Ireland suffers, and the Kingdom is likely to be lost, by the slow Proceedings of sending over Men, Arms and Money, That the Lords of the Pale refuse to come to the Council, That the Rebels are in a Body within 6 Miles of Dublin, and that

Decemb.  
1641.

E. of Salisbury hath leave to follow some Business in the Commons House.

A Scottish Paper complaining of Delays in the Treaty for Relief for Ireland.

A Message to the Lords by Mr. Hollis to press them to expedite the Affairs of Ireland.

The contents of Sir John Temple's Letter from Ireland.



Decemb.

1641.

The King's  
Answer to the  
Petition con-  
cerning breach  
of Privilege by  
his Speech.

*the Lords Gormanston, Slane and Lowth have Correspondency with the Rebels, That Provisions will be cut off from them at Dublin, therefore they desire speedy Succors from England.*

After which the King's Answer to the Petition and Remonstrance, was read as followeth.

My Lords and Gentlemen,

**I**N answer to your Petition, concerning Our Speech to the two Houses of Parliament the 14th of December :

*First, We do declare, That We had no Thought or Intention of breaking the Privileges of Parliament, neither are We satisfied, That Our being informed of any Bill transmitted by the House of Commons, to the House of Peers, especially where Our Learned Council are admitted by the Peers to speak on Our behalf, as they were in this Case, and therefore Our Directions necessary therein, can be judged any Breach of the Privilege of Parliament.*

*And as for Our taking notice thereof, and desiring the inserting of a Clause, of saving all Rights, We neither did willingly or knowingly do any thing to the Breach of the Privileges of Parliament, but what We did therein, was the great Zeal We had, and ever shall have to the suppressing the Rebels in Ireland, the quick dispatch of which Bill, contributed so much to the effecting thereof; And it could not but have received great Delay, had it passed both Houses, in a Way whereunto We could not have given Our Royal Assent.*

*Neither had We any Intention to express any Displeasure against any particular Man, for any Opinions or Propositions delivered by way of Debate, in either House, for Our Intention was to express only Our general Dislike of any Questions that should be raised, especially at this time, concerning Our Prerogative, and the Liberty of the Subject, such as this is, being but a Preamble, which might be left out, without prejudice to the Claim, and could not be approved by Us, without concluding Our Right.*

*As for the last Demand, That We should declare the Persons that gave Us Information, It is no great wonder, That We should get Information of the Contents of the Bill, since they were published in Print before We spoke of them; yet though We should have gotten Notice otherways, It is a thing much beneath Us, to name any that should give Us Information or Council, it being that which We would not impose upon any Person of Honor.*

*Our Conclusion is, That We had not the least Thought of breaking the Privileges of Parliament, but shall by Our Royal Authority, ever protect and uphold them; And We expect that you will be as careful not to trench upon Our just Prerogative, as We will be not to infringe your just Privileges and Liberties, and then there will be little disagreement betwixt Us hereafter in this Point.*

After the reading of which Paper, it was Ordered, *That a Transcript of this Answer be sent down to the House of Commons.*

The House then entred upon the Consideration of the Scottish Propositions, and after much Debate, came to these three Resolutions, the Question being put. *First, Whether this House shall consent to send 10000 Scots into Ireland, before it can be ascertained, that we can and shall send 10000 English.*

Resolves of the  
Lords con-  
cerning Ire-  
land, and the  
Scots Propo-  
sitions.

Resolved



Resolved Negatively.

Decemb.

1641.

(2) Whether this House shall Consent to send 10000 Scots before the Bill for pressing be passed. Resolved Negatively.

(3) Whether this House shall joyn with the House of Commons in sending 10000 Scots now into Ireland. Resolved Negatively.

In the House of Commons it was Ordered, That one H. Walker shall be sent for as a Delinquent, by the Serjeant at Arms, for being Author as it is affirmed, of the Pamphlet intituled, A terrible Outcry against the Loytering exalted Prelates, and the making and Printing of this and other Books by the same Author was referred to the Committee for Printing.

Walker a Delinquent for Scandalous Pamphlets against the Bishops, &c.

Then Mr. Peard Reported from the Committee appointed to consider of the Obstructions, in subscribing Hands to the London Petition last presented to this House,

Mr Peard's Report from the Committee of Obstructions to the London Petition.

(1) That the Lord Mayor said they were either ignorant or idle People that did subscribe it.

(2) That they did not know into what danger they fell.

(3) That it tended to Mutiny.

For Mr. Recorder, he said, (1) They did deserve to be disfranchized, That they did not know into what danger they had run themselves: And reading of the Petition, when they came to that part of it, that declared the Common Council the representative Body of the City, did desire the removal of the Bishop and Papists Lords, from the Lords House, Mr. Recorder swore \* by, &c. that it was a Lye: and said further, That this Petition did tend to Sedition, and to set Men together by the Ears: and being told it was for Peace. \* No, said he, It is for Blood, and cutting of Throats, and if it come to cutting of Throats and Blood, thank your selves, and your Blood be upon your own Heads, That this Petition would rather confirm Episcopacy, then otherwise; and that he hated a Papist, and detested this Petition. The Committee having received this Information, and having Power by their Order to send for Parties, commanded me to know the Pleasure of this House, in what manner they would have the L. Mayor and Recorder sent for, Whether to the House or to the Committee.

\* A pretty kind of Oath, and if it had been true, it is to be supposed Mr. Rushworth in whose hand this Report is entered, would not have minc'd the Matter with an &c.

\* As the event made appear.

But the House would make no further Order therein, but left the Committee to put their former Order in Execution, according to the Power therein given them.

Mr. Peard further Reported, That there were two Persons sent for to the King's Attorney, Serjeant Glanville and Serjeant Whitfield, who had this Question asked them, Whether they knew or heard, that some of the King's Counsel should say, That some of the King's Subjects Throats should be cut.

Whereupon Sir Samuel Rolls, Sir Robert Cooke, Sir Walter Earle and Mr. Strode, were ordered to repair to the King's Attorney, Serjeant Whitfield and Serjeant Glanville, and desire to know of them, Whether they did not ask some Persons Questions, Whether any of the King's Council, or any other should say That there would be cutting of Throats ere long, or to that effect, and the Grounds wherefore they asked that Question, and to report the same to the House.

Mr. Chillingworth, who for words spoken concerning deposing Princes had been sent to the Tower, was this Day upon his Petition released.

Mr. Chillingworth released from the Tower.



Decemb.

I 6 4 I.

A Petition exhibited by divers of those Ministers who Subscribed it, was this day read. The Petitioners being called in, Dr. Burgess in the Name of the rest, did desire, *That it might not be undervalued for the Paucity of the hands, in regard they might have more hands, but that many of the Ministers, now against Christmas were gone to their respective Charges*; then they withdrew, and being called in again, Mr. Speaker told them, *That this House takes in good part their general Care for the good of the Church, and believe what they say for the having of more hands; the businesses of this House are at this time very great, and that with all convenient speed they did resolve to take the Petition into Consideration.* The Petition as I find it in the Collection of the Prints of that time, is as follows.

To the Honourable the Knights, Citizens, and Burgessees  
of the Commons House of Parliament,

The Humble Petition of fundry Ministers intrusted to Sollicite  
the Petition and Remonstrance formerly Exhibited to this  
Honourable House, and many of their Brethren,

Most Humbly Sheweth,

The Petition  
of the Remon-  
strating Mini-  
sters, Dec. 20.  
1641.

\* And discour-  
tenancing the  
publick Litur-  
gy, and the  
most indispen-  
sible Duty of  
Praying, to  
make room  
for this Sedi-  
tious Preach-  
ing.

**T**hat the Petitioners do most thankfully value, and heartily acknow-  
ledge the indefatigable Pains and Piety of this Honorable Assem-  
bly, manifested in very many things of high Concernment for the Glory of  
God, the Honor of the King, the Purging of the Church, and the Safety  
and Prosperity of this, and the rest of His Majesties Kingdoms; but  
more especially, in procuring that pullick Fast at your first Sitting, which  
hath prevented many Mischiefs, and drawn down many Blessings upon the  
Kingdom ever since: in your Zeal and Courage for the True Religion  
professed among us, against all Popish Idolatry, and Superstitious Inno-  
vations, expressed by your Religious Protestation and Vow: \* In counte-  
nancing the Sacred Ordinance of Preaching, after long and deep contempt  
cast upon it, by too many who had almost Exiled it from divers  
Parts of this Kingdom: In encouraging painful and godly Ministers,  
formerly set aside, and now again profitably imployed in many Congrega-  
tions greatly needing them: In discountenancing bold and unmeet Men,  
that without sufficient calling, have presumptuously intruded into that  
Holy Office; as also of all Unworthy and Scandalous Ministers, that have  
been Convented before you: In accepting a former Petition and Remon-  
strance from the Petitioners, taking the same into your grave Considerati-  
on, and vigorously prosecuting some part thereof: In freeing divers godly  
Ministers out of Prison and Exile, and many others from heavy Censures  
unjustly inflicted: In preventing the utter Ruin of the Petitioners, and  
of many more, by breaking that wicked Toak of the late pernicious Oath,  
and Canons, justly branded by both Houses of Parliament; and by taking  
away the late dreadful Tyranny of the High-Commission Court, and other  
illegal heavy pressures of the rest of the Courts Ecclesiastical: In your worthy  
Orders for removing of all Illegal Rites and Ceremonies, superstitious  
and scandalous Images and Pictures, and other Innovations out of all Chur-  
ches and Chappels: In your prudent, happy and timely re-uniting, with-  
out spilling of Christian Blood, the two Kingdoms of England and Scot-  
land, in a firm and Religious Peace, unhappily disturbed to the apparent  
endanger-



endangering of both; in your honourable endeavours to relieve and rescue our distressed Brethren in Ireland, from the barbarous Outrages and Butcheries of the Popish Rebels there: In your constant Vigilancy to discover and defeat the many desperate and devilish Conspiracies against the King, Parliament, and the Kingdom, plotted by Papists and their Malignant adherents, implacable Enemies to our Religion and Peace; together with all your excellent Labours for Reforming, and settling the Affairs of the Common-wealth, whereof the Petitioners do also with others Enjoy the comfort: and the large and blessed Hopes given to the Petitioners, of your further indeavours for perfecting the Reformation of Religion, and the Church, according to the necessity thereof, in a Way best becoming the Honour of such a Grave and Religious Body. All of which, do much Encourage them to pour out their Souls in all possible thankfulness to God for you, and to put up more fervent Prayers, publicly and privately upon all occasions in your behalf at the Throne of Grace.

Decemb.  
1641.

But so it is, That whereas your Petitioners did in their former Petitions represent unto you divers unsufferable Grievances, arising from sundry Invasions made upon the publick Doctrine of this Church; from some mixtures and blemishes in the publick Worship of God by Law Established, as well as from sundry gross Innovations and Superstitions, in Rites and Ceremonies without Law introduced; from many Exorbitancies and unsupportable Usurpations in Ecclesiastical Government; and from the scandalous defect of Ministers maintenance in too many places: All of which do yet remain in greatest part unremoved, by reason of your many necessitated diversions from this great work, for the preservation of the very Being of this Kingdom; and by means hereof many distractions and disorders about matters of Religion and the Church, have to the great scandal and grief of the Petitioners happen'd, and are still continued; which puts them upon a necessity of renewing their former Suit for redress of the aforesaid Evils, and for removing whatever shall appear to your Wisdom, to be the Root and Cause of them.

And whereas further the Petitioners, and very many others, in whose name and behalf they now humbly supplicate, desirous in all things to submit to the Laws, so far as possibly they may, yet meerly out of tenderness and scruple of Conscience, dare not continue, as formerly they did, the Use and Exercise of some things as now they stand enjoyned, not only because they have more seriously weighed the Nature and Scandal of them, and that sundry Bishops and other grave Divines, called to their assistance by Order of the House of Peers, have, as they are informed, discovered divers particulars needing alteration in the Liturgy, and the Use thereof; and that there is not, as they humbly conceive, at this day commonly extant, any Book of Common Prayer, without so many Variations, Alterations, and Additions, as render it in many Parts another thing, from that which was by Law Established; but chiefly because you also have vouchsafed to be so far sensible of the Defects thereof, and of the just Scruples of the Petitioners thereabout, as to take the Reformation thereof under Consideration, which they hoped would be some shelter against the strict pressing the Use of it, till your pleasure, upon the full Debate thereof, had been declared in a Parliamentary Way; for that it seems most equal, that the Consciences of Men should not be forced upon that, which a Parliament it self holds needful to consider the Reformation of, and give Order in, till the same be accordingly done. And the Petitioners having been comfortably assured of some ease therein, do now to their great sorrow, apprehend, that



Decemb.

1641.

that the same things are anew reinforced, which (contrary to the blessed Inclination and Intention of His Gracious Majesty) may occasion much trouble and vexation to sundry worthy and peaceable Ministers; which the Petitioners have more cause to fear, because sundry of their Brethren have, since the beginning of this Parliament, been Indicted upon the Statute of 1 Eliz. 2. And others threatned for bare omissions of some things complained of to this High Court, and still depending before you; whiles in divers places, your Religious Orders necessarily made and published for removing of things illegal, are not observed; and, in other places where superstitious Rites and Practices had by virtue thereof been laid aside, the same are again called back and re-practised, without any Check or Animadversion.

And because the Premises are of extraordinary Consequence, and cannot receive a perfect Cure, but by Authority of Parliament; and that a free Synod of this Nation, \* differing in the whole Constitution from the present Convocations of the Clergy now in Use among us, might be, as the Petitioners apprehend, of great Use for that purpose; and that not only this, but all other your great Consultations might be much furthered by a more earnest and assiduous seeking of God, by the joint and publick Fasting and Prayers of the whole Kingdom in these sad times, so full of distractions and Hellish Conspiracies at home, and bloody Cruelties of those Popish Rebels, against our own Flesh and our Bones in Ireland.

The Petitioners humbly pray, That you would vouchsafe to lay hold upon the first opportunity, that your important Affairs will permit of re-assuming into your further consideration their former Petition, and to proceed thereupon as you shall find cause, either by committing the same to the Debate, and Disquisition of a free Synod, or otherwise; and in the mean time to become Mediators to His Gracious Majesty, who could not take notice of their former Petition to this Honourable House, for some relaxation in matters of Ceremonies, and of reading of the whole Liturgy, which as the Petitioners verily believe and hope to prove, have been of late times urged further then ever the Law intended: And a free Synod, of Grave, Learned, and Judicious Divines of this Kingdom, the Dominion of Wales, and the Islands adjacent, may be by the Authority of Parliament Indicted, for the more thorough and fruitful Debate of the Premises, to expedite a full Reformation, by the High Court of Parliament, for the setting of a Godly and Religious Order and Government in this Church, as your Wisdom shall find convenient: And that a publick Fast may be Commanded, and Religiously observed throughout the Kingdom, once in every Month, during your sitting in Parliament, for the more effectual procuring of Gods protection of your Persons, and of his blessing upon your proceedings; and till the miseries of our Brethren in Ireland be happily put to an end.

And the Petitioners shall be ready further to attend the pleasure of this House, with their Reasons of their present Suit for a free Synod of this Nation, and of a new Constitution thereof, differing from those now in Being, when they shall be required; and to pray without ceasing, &c.

Were I to give Instructions to draw the Exact Pourtraicture of a Non-Conforming-Conforming Church Hypocrite, with Peace in one hand, and Fire and Sword in the other; with a Conscience like a Cockle-shell, that can shut so close when he is under the fear of the Law, or losing his Living, that you cannot Croud the smallest Scruple into it; but when

\* That is, from the Law which appoints it, and gives the Membersequal Privilege and Protection with the Members of the H. of Commons.



Decemb.

1641.

when a tide of liberty wets him, can lay himself open, and display all his resentments against that Government in the Church, to whose Laws he had sworn obedience, and by that horrid sin of Perjury, must confess himself a Villain of no manner of Conscience, to Swear without due Consideration, and to break his Oath without a lawful Determination that it was unlawful, I would recommend this Petition as a rare Original to Copy after.

I cannot tell how it will relish with the Readers Palate, but I must profess my self so tyred with this miserable *Crambe*, that I am under the irresistible temptation of refreshing my self, with laying aside for one moment the Gravity of an Historian, and Burlesquing the intolerable Flatteries of this Petition, and these Hypocritical Petitioners, by making them speak Truth; for in their Courtship to the Faction, for whose *Goust* this delicate Petition was Cook't and Spiced, when they recount their wonderful Atchievements in the Work of Reformation, there is still I find a Supplement of some material Truth, in matter of plain Fact wanting, which I will make bold to add. They acknowledge the Pains and Piety of the Faction manifested in many things of high concernment for the Glory of God, *by affronting his Solemn-publick Established Worship*; the Honor of the King, *by endeavouring to degrade him, and divert him of the Beams of Majesty, his Royal Prerogative*; the purging of the Church, *by purging it quite out of the Kingdom*; they commend their Zeal and Courage for the true Religion, against all Popish Idolatry and Superstitious Innovations, *manifested by letting in a whole Flood of Errors, Heresies, Sects and Schisms, at the Breach of the Banks of the Church-Government, by tender Conscience*; in encouraging Preaching, of Sedition and Disobedience to Laws, Government and Governors, and justling out all Praying out of the Church, except the Wild, Extravagant, Dangerous, Libelling, Extempory Enthusiasms of bold and presumptuous Men, who called their own acquired Art of Impudent Non-sence, a gift of the Spirit, as doubtless it was of that Spirit which rules in the Children of Disobedience; in encouraging painful godly Ministers formerly set aside; and justly, for Preaching Sedition, Schism and Faction, for good Divinity; in discountenancing bold and unmeet Men, that darst Preach the Doctrine of rendring to Cæsar the things of Cæsar, and to God the things of God; that without sufficient calling, presumptuously intruded into that Holy Office, *by only gently reprovng them for the present, and afterwards permitting Tagg and Ragg, Godly Coblers, and Gifted Tinkers, Zealous Taylors, and the most sordid, illiterate Mechanicks to invade the Pulpit*; to vilifie the Petitioners, with the Title of Hirelings, dumb Dogs, Baal's Priests, &c. by Adonibezeck's Law, without Controul or Animadversion from the Honorable Faction: for taking away the Tyranny of the High-Commission and Ecclesiastical Courts, and setting Mens Tongues at liberty to Rail without Reason, to Quarrel with their Superiors without Cause, to affront them with impunity, and in conclusion to Murther them Religiously, and in the Fear of the Lord; for their worthy Orders for removing illegal Rites and Ceremonies, Superstitious and Scandalous Pictures, and other Innovations, and setting up in their stead the Bell and Dragon of these Mens Inventions; and for bringing in the greatest Innovations, a Church without a Bishop, a Religion without Divine Service, a Minister without Lawful Ordination, a Christian without Baptism, a Sacrament without Consecration; and at last, a Heaven without Repentance of any, or all these horrid Sins and Incapacities:



Decemb.

1641.

Tuesday,

Decemb. 21.

Message from  
the Commons  
concerning  
Ireland.

*cities: For their Care to suppress the Irish Rebellion, and Butcheries of the bloody Papists; by imploying the Men and Money raised for that Service, to butcher the Loyal Protestants in England, who held the Popish and Malignant Doctrine, that they ought to Fear God, and Honor the King, and die at the Feet of their Sacred Sovereign, in defence of his Person, Crown and Dignity, against these Religious Rebels. But, Manum de Tabulâ, I will not Tire my self and the Reader with Epitomizing their Villanies, which are able to fill Volumes, and with which he will find these stow'd.*

Now to the Oar again. A Message was brought this Morning from the Commons by Sir Philip Stapleton Knight, *That the House of Commons last night had laid before their Lordships the miserable Estate of the Kingdom of Ireland, and desired their Lordships to take the business into speedy Consideration: Since the House of Commons understand that Dublin is in great danger to be lost, 600 Men being cut off by the Rebels in going to relieve Tredagh; The House of Commons desires that all ways may be used for the preservation of that Kingdom; and they conceive the best way to save Dublin, is by way of diversion, to send the Scots speedily into Ulster; therefore, the Scottish Commissioners being to send away into Scotland to morrow Morning, the House of Commons desires their Lordships would joyn with them in the Propositions received from the Scots Commissioners, that so Men may be sent into Ireland speedily. The House of Commons having done this, they do declare, that if there be any Omissions, they desire to clear themselves of any thing as may fall upon Ireland.*

The Answer returned was, *That the House is not now full, but as soon as it is, they will take the matter of the Message into Consideration.*

Then the Lord Kymbolton Reported to the House the Two Propositions delivered to the Lords Committees, by the Committee of the House of Commons.

2 Propositions,  
1st. for ad-  
journing or  
Proroguing  
the Parliament  
in Ireland.

The first Proposition was, *That the Parliament of Ireland may be Prorogued or Adjourned, and that for these Reasons.*

*First, Because the Protestants cannot come without danger, the Papists may.*

*Secondly, To Resort to Dublin may make scarcity of Victuals.*

*Thirdly, The coming of many Papists with their followers, may endanger the surprize of the Castle.*

*That the Parliament may not meet to do any Act as they did before, the Dissolving of the Parliament is thought to be safest.*

2 Proposition.

The second Proposition is, *They are informed, that by the Law of Ireland, if the Deputy should dye, the Lords may chuse their own Governor, Therefore the House of Commons desire that some settled Commission may be, in case the Deputy miscarry by Death, that may appoint who shall be Governor.*

The House then fell upon the Debate about sending 10000 Scots into Ireland, and Resolved at a Conference to offer these two following Propositions to the Commons.

(1.) *To desire to know, what certainty That House will give This, that if their Proposition concerning the present going of 10000 Scots into Ireland be agreed unto, That 10000 English may speedily follow.*

(2.) *Whe-*



(2) Whether they will concur with this House, That 10000 English shall go as well as 10000 Scots, and that the King be moved to give Assent thereunto, and a Message for a Conference was sent accordingly by Sir Robert Rich and Mr. Page.

A Message was brought from the House of Commons by Mr. Denzil Hollis, That the House of Commons had lately attended their Lordships, to desire them to concur with them in their Desires, concerning the lamentable Condition of the Kingdom of Ireland, and that their Lordships would be pleased to take speedy Resolutions therein.

Also he said, he was to present to their Lordships, a Petition presented to the House of Commons from the Lords, and divers Gentlemen of Ireland now in London, which the House of Commons desires their Lordships would be pleased to take into speedy Consideration; for the House of Commons say, they can think of nothing but Ireland, nor speak nothing but Ireland.

The Reader may observe, how great Artists these Men were in appropriating to themselves, whatever was highly Popular, as at this time this Affair of Ireland was, and how they endeavoured to engross all the Care and Concern for that Kingdom to themselves, tacitly accusing the Lords, who for the Honor, and it may be the Interest of England, made some difficulty to consent to the sending 10000 Scots, except 10000 English might also be sent, but they had a very great Work to do by the help of Popularity, and it can be no wonder to see those, who have such Designs as they had then on Foot, make such warm and zealous Court and Application to the Populace; since Experience in all Times and Places has laid it down, as a Mark of dangerous Suspicion, and aspiring Intentions in Subjects, when they come to invade this Prerogative of Princes, who alone ought to study Popularity; and certainly that Subject, who endeavors to rival his Prince in the Affections of his People, cannot but be suspected, to Design to rival him in his Authority too, there being so near an Union, between the Power of the Prince, and the Love of the Subjects, that whoever attempts to commit a Rape upon the later, cannot be supposed to have any Chast and Dutiful Thoughts towards the former.

But to return from this small Digression, The Petition before mentioned was read *in hæc Verba*.

### To the Honorable House of Commons.

The Humble Petition of divers Lords and Gentlemen of Ireland now in London.

Humbly Shewing,

That your Petitioners have received many and particular Advertisements, from all those Parts of the Kingdom of Ireland, which set forth the Universal Desolations made in such Plantations of the British both English and Scotch, wheresoever the barbarous Irish Rebels have come, to the utter Destruction both of the Persons there Inhabiting, and extirpating of the Reformed Protestant Religion there set up, through the Royal Care and Piety of King James of blessed Memory, and his Majesty that now is, and preserved by the great Industry, and Pious Endeavors of near 40 Years travel, by those who have spent their whole Lives, in reducing that Kingdom to

VOL. II.

F f f f f 2

Civility

Decemb.

1641.

Another Message from the Commons concerning Ireland

The Petition of the Irish Lords and Gentlemen, to the House of Commons Dec. 21, 1641.



Decemb.

1641.

Civility, which is now utterly desolated, by the Proceedings that have been found so matchlesly Cruel, that no Age nor Story can Parallel their Inhumanities; some whereof, your Petitioners are informed have been touched upon by Advertisements, already brought to this Honorable House, whereof there is such great variety, that Volumes were but little enough to contain the Particulars, many thousands of Men, Women and Children, being mangled on the Face of the Earth, crying lowd to God, and these neighbor Kingdoms, for relief against those Monsters, whose Conspiracy is now so Universal, that small Aids will be not only inconsiderable to effect the Work, but a Means to lengthen the War, with the loss not only of the Treasure applyed therein, but also of the Persons imployed, who being but few, will be in danger to be given up to the Cruelties of the Rebels, who by that means, which God prevent, will gain, not only great access to their Numbers, but which is more considerable, that experience in War, and Use of Arms, as may render them infinitely more able to make Resistance against your hereafter Supplies. These Particulars, your Petitioners out of the deep Sense they have of the Calamities incumbent on that, and in danger to fall on this Kingdom, with all Humility crave leave to present, most humbly desiring, that in pursuance of the Zeal and Fervency already shewn to the Glory and Worship of God, to the Honor and Renown of his most Excellent Majesty, both which are now strongly assailed and push't at, and out of the Tender Commiseration already Expresed for Relief of that bleeding Kingdom, That this Honorable Assembly will represent such prevalent Arguments unto his Sacred Majesty and the House of Peers, That the 10000 Men tendred by the Kingdom of Scotland, and accepted of by this Honorable Assembly, may be speedily Ordered to resort into Ulster; not but that We do desire there may be as great a Proportion of Soldiers sent out of this Kingdom, as soon as they can be prepared, if so it may please his Majesty and both Houses of Parliament, the Contagion of the Rebellion in Ireland, having spread it self over so many other Parts of the Kingdom, and yet daily more and more increasing, as will require the service of those who shall be sent out of England, for the Subdual of the Rebels, and Comfort of his Majesties good Subjects in the other Provinces. But forasmuch as your Petitioners many of them whose whole Estates, and some of their Wives, Children and nearest Kindred or Friends are already in the Hands and Possession of those Barbarous Bloody Rebels of Ulster, and that they have more than ordinary Cause to fear, That the remaining Protestant Party, together with the important Towns of Carrickfergus, London-Derry, and Colerain, being the chiefest Bullworks and Fortresses of that Province, may for want of speediest Relief be surprized and destroyed, and by that means the rest of the Kingdom Extreemly indangered, to the irreparable dammage, and discomfort of his Majesty and all his Good and Loyal Subjects, of all his Dominions; Therefore your Petitioners do most instantly supplicate this Honorable Assembly, to endeavour the hastening thither with all possible Expedition the 10000 Men out of Scotland, whose Assistance being within Three hours Sail, may be soonest conveyed, and whose Constitutions will notably match with the Rebels, being well able, as many of these Petitioners have known by former Experience, to follow them through the Boggs, and Moorish places, frequent in those Parts during this Winter Season, which other Supplies may not be so fit for at present. This Numler added to those Raised, and to be raised in those Parts, through Gods Blessing, may soon Check those Insolencies, and contribute much for reducing that Kingdom to due Obedience, and yield unspeakable Comfort and Relief, to many

Thousand



*Thousand disconsolate bleeding Protestant Souls, who have long languished in Expectation of Aid from that and this Kingdom, the longer retarding whereof will carry loud Cries to Heaven against those who cause the same.*

And your Petitioners shall pray, &c.

*A. Loftus, Ro. Digby, Tho. Foliot, Hen. Blaney, Fr. Mountnorris, Cromwell, Edward Loftus, Arthur Jones, Geo. Blundel, Robert King, Jo. Clotworthy, Faith. Fortescue, Job. Moor, Arthur Annesley, Rob. Packhurst, Ra. Walles, Tho. Fortescue, Ro. Whistler, Nicholas Loftus, Rich. Fitz-Gerrard, Rich. Perkins, Jo. Davis.*

After the Reading of this Petition, *Inego Jones* Esquire, Surveyor of his Majesties Works, put in his answer to the Declaration of the Commons in behalf of the Parishioners of *St. Gregories, London.*

At which day the said *Inego Jones* Esquire appeared before the Lords in Parliament, and being demanded what he could say in Answer to the Declaration brought up from the House of Commons against him; He the said *Inego Jones* for Answer thereunto saith, *That he is not Guilty of the Offence charged in the said Declaration, in such manner and Form as therein is Expressed.*

Whereupon *Friday Fortnight* was ordered for the day of hearing the Cause.

It was also Ordered, *That the Lord Viscount Loftus, Ro. Lord Digby, Lord Foliot, Lo. Docura, Lo. Blany, Lord Mountnorris, Sir Faithful Fortescue, Sir Robert King, Edw. Loftus, Nich. Loftus, Arthur Jones, Geo. Blundel, John Moor, Arthur Annesley, Ro. Whistler, Jo. Davis, Richard Fitzgerrard, and Rich. Perkins, do attend the Lords Committees for Irish Affairs to morrow at 9. of the Clock in the Painted Chamber, who are to hear what Reasons they can give concerning the putting off the Parliament of Ireland.*

After which the Lord Keeper reported the Effect of the Conference, and an Answer to their Lordships Two Propositions offered to the House of Commons this day,

(1.) *For the Certainty which their Lordships desire of sending 10000 English into Ireland, the House of Commons say, That they were not Used to be Capitulated withall; their Actions are free as well without Conditions as Capitulations, and the House of Commons desire it may be so no more.*

(2ly) *The House of Commons think they have given sufficient certainty already, having formerly Voted the sending of 10000 English into Ireland, and transmitted the same to their Lordships, and likewise sent the same into Ireland, therefore they think it not necessary to Vote it again, but do desire their Lordships would Vote the sending of 10000 Scots to Ireland by it self, without any Relation to the 10000 English, and that speedily, the Safety of Ireland depending upon it.*

*Further, the House of Commons do desire their Lordships to do it, in regard they conceive the 10000 English can not go, unless the Bill for pressing passes.*

This last Clause easily unriddles all the rest, they had a Design to clip the Prerogative by that Bill, and to put the issue of passing, or not passing it upon this popular Theme of the Tragical necessity of *Ireland*; when if they would have raised Mony, there would not have wanted

10000

Decemb.  
1641.

The Answer of  
*Inego Jones* to  
the Complaint  
of the Com-  
mons.

A Smart An-  
swer of the  
Commons to  
the 2 Propo-  
sitions of the  
Lords for send-  
ing 10000  
English as well  
as 10000 Scots  
into Ireland.



Decemb.  
1641.

Votes of the  
Lords for  
10000 English  
& 10000 Scots  
for Ireland.

Justice Long  
discharged  
from the To-  
wer.  
Dr. Gray sent  
for as a Delin-  
quent.

Volunteers for  
Ireland.

10000 English Soldiers, without pressing for that Expedition, or any other, the Genius of the Nation having ever been Martial, and rather too forward to run into Arms, then otherwise, at the Beat of the Drum.

The House of Lords was immediately then resolved into a Committee of the whole House to debate this Conference, and the House being resumed, It was Resolved, *Nemine contradicente*, That 10000 English shall be sent into Ireland.

Resolved upon the Question, That 10000 Scots shall be sent into Ireland, upon such Conditions, as shall be agreed upon by the Parliament of England.

Ordered, That the Lords Commissioners do acquaint the Scots Commissioners with the aforesaid Votes, and to let them know, That this House hath entered into Consideration of their Propositions, and will give them an Answer herein with all Expedition.

It was also Ordered, That the Committee for keeping of a good Correspondency between both Houses, shall meet on Friday Morning, to take into Consideration this last Message, brought up from the House of Commons.

The Commons staying in the Painted Chamber, all this while for an Answer to the Message, the Lords went to acquaint the House of Commons, with what was Voted.

In the Commons House Mr. Long, who had been sent to the Tower for signing the Warrant for the Halberdeers to Guard the Parliament, was upon his Petition this Day released.

A Complaint having been Exhibited against him, It was Resolved, That Dr. Gray Parson of Ponteland in the County of Northumberland, shall be forthwith sent for as a Delinquent, by the Serjeant at Arms attending on this House.

Several Letters were then read from Ireland, one from Sir William Brereton, giving Information, That Sir Simon Harcourt's Regiment is compleat, and that there are 4 or 500 more cheerful Volunteers, which are ready to go, if they had Commission. This plainly confirms what before was said, That the Necessity of the Bill for pressing Men, was only to oppress the Royal Prerogative.

Mr. Pym informed the House, That this was moved at the Committee last Night, and that the Earl of Leicester Lord Lieutenant of Ireland, had assured them, he would take Care for the speedy Transporting of these Volunteers.

The House then fell upon the Consideration of the Bill, for raising 400000 l. for the Affairs of Ireland, &c.

The Officers of the late Army, having also Petitioned for their Arrears, there was an Order to pay them 13000 l. being the Moiety of what was due to them.

Amidst all this Heat of Publick Affairs, and the great Zeal for Ireland, still the Faction found leisure, to persecute the Loyal and Orthodox Clergy, upon the Informations of their implacable and restless Enemies the Non-Conformists and Schismatics; for this Day the Committee for scandalous Ministers was revived, and appointed to meet upon Thursday Morning at Eight of the Clock, so that Wednesday being the Fast, was to be the Prologue to their Smiting with the Fist of Wick-  
edness.



It was also Ordered, That Alderman Pennington do take Care to bring in the Witnesses of the Parish of Grace-Church, to testify that Information he gave the House this Day against the Minister of that Parish.

Also it was Ordered, That the Committee for the Bill for Scandalous Ministers, do take into Consideration, the Matter informed of against Dr. Beal on Thursday next.

The Lord Keeper this day reported a Conference had with the Commons, That the House of Commons have brought up to their Lordships a Proposition of the Scots dated 20th Dec. 1641. concerning the 2500 Men, as also the Resolution of the Commons thereupon, which they desired their Lordships to joyn with them in.

Then the said Proposition was read, as also the Resolution of the Commons, That they do undertake to pay the 2500 Men already entertained in Scotland, from the 8th of December to the end of the Treaty according to the Pay, settled them in Scotland; which being read the House of Lords assented to it.

After which, a Message was brought from the House of Commons by Mr. Waller, That the House of Commons conceive some Cause to Examine Daniel O Neal further as a Delinquent, but not upon Oath, and seeing he is their Lordships Prisoner, committed to the Gate-House upon an Accusation of High Treason, That their Lordships would please to give way, that some Members of the House of Commons may Examine him; and also to desire their Lordships to sit a while, for that the House of Commons will come up to their Lordships with some Business concerning the Safety of the City.

To which the Answer was, That their Lordships do give way that some Members of the House of Commons, may ask Mr. O Neal any Questions, as they shall think fit, and that this House will sit a convenient time as is desired.

This Matter of the Safety of the City, was delivered at a Conference, That the House of Commons represented to their Lordships, that they had received Information, That Sir William Belfour Knight, Lieutenant of the Tower of London approved for his Fidelity, is put out of his Place, and one Colonel Lunsford put into his Place, concerning whom the House of Commons had received a Petition, which they desired their Lordships to consider of.

The Faction were resolved to dislike what ever the King should do, and to give countenance to their Proceedings, they had Petitions and Petitioners still in a Readiness, to make it appear, that they moved upon that Foot, when in reality, they themselves and their Agents, were the Engineers of those very Petitions.

The Petition was read in the House of Lords, and was in hæc Verba.

To the Honorable the Knights, Citizens and Burgeses of the Commons House of Parliament.

The Humble Petition of divers Common-Council Men, and others of the City of London.

Sheweth,

That whereas the Tower of London, was originally ordained for Defence of this City, and to be the Chief Magazine of the Kingdom, and that the whole State is deeply interested in the safe Custody thereof, but more

I 6 4 I.  
Decemb.

Alderman Pennington an Informer against the Minister of Grace-Church. Dr. Beal referred to the Committee for Scandalous Ministers. Thursday, Decemb. 23.

Conference concerning displacing Belfour, and making Lunsford Lieutenant of the Tower.

The Factious Londoners Petition concerning the placing Lunsford in the Tower.



Decemb.  
1641.

more especially the said City, which lately hath been put into Fears of some dangerous Design from that Cittadel, whereupon it pleased this High Court to mediate with his Majesty, for removing of those Fears. And whereas the Petitioners are informed that Sir William Belfour, a Person of Honor and Trust, is displaced from the Office of Lieutenant, and the same Place bestowed upon a Man Out-lawed and most Notorious for Outrages, Colonel Lunsford, and therefore fit for any dangerous Attempt; the Petitioners, and many more who have Intelligence thereof, are thereby put into such a hight of Fear and Jealousy, as makes them restless, till they have discharged their Duty, in representing the same to this Honorable House.

May it therefore please this Honorable Assembly, to take the Premisses into such Consideration, as may secure both the City and Kingdom, against the Mischiefs which may happen, as to your great Wisdom shall be found most fitting.

And your Petitioners shall pray, &c.

Randal Manwaring, Maximilian Beard, Edw. Gitting, Jo. Pocock, Sam. Warner, Geo. Thomson, Stephen Estwick, Ric. Price, Ric. Turner.

The House of Commons do further say, That the said Colonel Lunsford is an unfit Person to be Lieutenant of the Tower; For,

The Commons  
Reasons against  
Lunsford's be-  
ing Lieutenant  
of the Tower.

(1.) They say he is a Man of a decayed and desperate Fortune, and so may be tempted to undertake any ill Design; and they conceive it will be very prejudicial to the King and Kingdom, for him to be in that place, in this time of Fears and Jealousies; especially to the Mint in this time of great occasions to use Monies, for it will discourage Merchants and Strangers from bringing in their Bullion into the Mint.

(2.) The House of Commons say, That Colonel Lunsford is a Man of a desperate Condition, he having been formerly Censured in the Star-Chamber, for lying in Wait, and besetting Sir Thomas Pelham Knight, as he came in his Coach upon a Sunday from Church, and did discharge two Pistols into the Coach.

Also, being challenged into the Field by one Captain Buller, upon some injury offered to him by the said Colonel Lunsford; Colonel Lunsford refused to Answer him, but sent him word he would cut his Throat, and would meet him with a Pistol, and put out his other Eye.

(3.) The House of Commons say, That they are informed that Colonel Lunsford is not right in his Religion; for they understand, that when he was a Commander in the North, in the Kings Army, he did not go to Church though he was desired.

The House of Commons conceiving this business concerns the safety of the King, City, and Kingdom, they desire their Lordships would be pleased to joyn with the House of Commons to Remonstrate these things to the King, and to desire him, that a Place of such importance may not be put into the hands of such a Man as Colonel Lunsford, but that if His Majesty think Cause that there should be a Lieutenant of the Tower, being under the Command of such an Honorable Person as the Earl of Newport, who is Constable thereof by His Majesties appointment, that Sir John Conyers may be recommended to his Majesty for that Place.

The Lords re-  
fuse to joyn  
with the Com-  
mons to move  
the King to  
displace Luns-  
ford.

After a long Debate of this Conference, the Question was put, Whether this House shall joyn with the House of Commons in the whole Matter of this Conference; And it was Resolved Negatively.

The first thing that was done in the Commons House this day, was an Order, That Mr. Calamy and Mr. Marshal shall be desired to Print their



their Sermons they yesterday Preach'd at St. Margarets Westminster, at the intreaty of this House; and Sir Arthur Ingram, and Sir Tho. Barrington are desired to return them Thanks from this House; and it was likewise Ordered, That they shall have a Piece of Plate of 20 l. a piece given unto them, and Sir Arthur Ingram, and Sir Thomas Barrington are to think of some convenient Course for raising the said Monies.

Then the Kings Answer to the Petition of the first of December was read, and referred to the Committee that prepared that Petition, to frame an Answer unto it, and present it to the House, and to meet this Afternoon at Four of the Clock in the Inner Court of Wards.

It was also Ordered, That the Gentlemen that serve for the City, and Mr. Tompkins, Mr. Martin, and Mr. Peard, shall inquire in what hands the Tower of London now is. From which is plain from what Quarter of the World the Petition against Lunsford came.

Captain Leg was also this day Ordered to be Bailed.

Then the Petition of the Apprentices, and others whose times are lately Expired, in and about the City of London was read; and the Parties that preferred this Petition were called in, and Mr. Speaker told them, That this House doth approve of the manner of the delivery of their Petition, and the Interruptions complain'd of, they will consider of when proofs shall be produced; they will likewise consider of the desires of their Petition, when the great Affairs of this House shall permit. And their Complaints were referred to the Committee appointed to consider of the Interruptions in preferring the Petition from the City of London.

All the World was now run into one Trade, and that was State-mending, and Church-modelling, in which matters the Godly and Well-affected have ever had in their own opinion such a peculiar Gift, that every little Blew-Apron-Boy behind the Compter undertakes as boldly, as if he had served an Apprenticeship at the Council-Board; and because Posterity shall be satisfied this is no abuse, I here present the Reader with these Indenture-mens Petition, as I find it among the Prints of the Time; for they had the vanity, after having presented it, to think it would turn to account to Print and Publish it too, to help Trading and procure Custom.

This Petition, which by these young Reformers was addressed to the King, but presented to the Commons with a multitude of Names, who could not write, and by consequence neither read nor understand Common Sense, was as followeth.

**W**Hereas we of the lowest members of the City and Kingdom, touched with the common Sense of all good Subjects, do by Experience find, both by our own and our Masters Tradings, the beginning of great Mischief coming upon us, to nip us in the bud, when we are first entring into the World: the Cause of which we can attribute to no others, but to the Papists and Prelates, and that Malignant Party which adheres unto them. And where as by the late Protestation we stand solemnly ingaged in the presence of Almighty God, by all lawful means with the utmost of our Lives, Power, and Estates, to defend your Sacred Majesty and Royal Issue, with the Rights and Liberties of Parliaments, and all your Majesties Subjects, against Papists and Popish Innovators, such as Arch-Bishops, Bishops and their dependants appear to be the Extirpation of which Government, Root and Branch, by several Petitions from this City, and many parts of this Kingdom have been humbly desired. We hold it our bounden Duty, after



Decemb.

1641.

long Expectation of due and just Proceedings against the forenamed Papists, and Popish Innovators, now at the last to become most humble Suitors, to your Majesty in this present Parliament, that you would please to take Notice that notwithstanding the much unwearied pains and industry of the House of Commons to subdue Papistry and Popish Innovators, neither Popery is subdued, nor Prelates are yet removed, whereby many have taken great encouragement desperately to Plot against the Peace and Safety of this and other your Majesties Dominions, Witness the most barbarous and inhumane Cruelties perpetrated by the Papists now in Ireland. From whence ariseth in us a new Spring of fears and jealousies, what the Issue of these things may be, in this your Kingdom of England also, without a speedy and timely prevention of the same.

In hope therefore of your Majesties willing readiness by the advice of this Honourable Court of Parliament to provide for our present Relief and Safety, We Humbly Supplicate, that the Popish Lords and other eminent and dangerous Papists in all parts of this Kingdom, may be narrowly look'd unto and secured, the Laws against Priests and Jesuits fully Executed, the Prelacy Rooted out, that so the work of Reformation may be prosperously carried on, our distracting fears removed, the weighty Affairs of the Kingdom settled, and consequently God may delight in the present and succeeding Ages to dwell in this Land, the freedom of Commerce and Trade may pass on more cheerfully for the encouragement of your Petitioners, and that the flourishing and peaceable Reign of your Majesty may be long continued and increased among us.

For all which your Petitioners  
shall ever Earnestly Pray, &c.

James Freshwater, John Page, Henry Crewkern, John Caudry, Thomas Clement, Will. Bently, with a number of Markes and Names.

Mr. Quelch a  
Minister of St.  
Bennet Grace-  
Church, sent for  
as a Delin-  
quent.

A Petition of the Inhabitants of St. Bennets Grace-Church, against Mr. Quelch their Minister was read; whereupon it was Resolved, &c. That Mr. William Quelch be forthwith sent for as a Delinquent by the Serjeant at Arms attending the House. And the Petition was referred to the Committee for Scandalous Ministers.

The City Petition, of which before, was also read, *ut supra*, in the Proceedings in the Lords House.

Friday,  
Decemb. 24.

This Day a Petition from some Citizens of London was presented to the House of Lords, which was read in their presence, *viz.*

To the Right Honourable the Lords Assembled in this  
present Parliament,

The Humble Petition of divers Citizens, Merchants, and others of London,  
Trading in the Realm of Ireland.

Sheweth unto your Lordships,

The Petition  
of several Mer-  
chants, to the  
Lords concern-  
ing Ireland.

**T**hat your Petitioners on the behalf of themselves, and other Merchants, Shop-Keepers and others Trading into the Realm of Ireland, whose Estates to the value of above a Million of Money lie involved in the desperate Condition of that Kingdom, as also on the behalf of the whole Protestant Party of that People reduced to unspeakable Extremity

in



*in their Lives and Fortunes, as by our daily Letters from thence, we are informed to our great Grief. We most humbly beseech your Lordships, That you will be pleased to consider the Sad Condition of them and us, in our respective Interests, and lay aside all things that may trouble the Way, to the Relief of that Wretched State; which without Speedy and Effectual Assistance, will not be able to serve his Majesty in the resistance of the Rebels there, nor shall we be able in our several Degrees and Conditions to do his Majesty, your Lordships, and the whole Realm that Service in our ready Compliance with the Great Affairs of this Kingdom, as we should, and would most willingly perform to the uttermost of our Abilities. This, My Lords, we most humbly offer to your Lordships, as a Consideration, whereupon that Kingdom depends, besides many Thousands depending upon us the Petitioners in our Trades, that are here Equally concerned with them of Ireland in our Livelihoods. And do beseech your Lordships in the End, after the Long Suffering of that Unfortunate Nation, our long Expectation, and the Wonder of all Neighbouring States, occasioned by a Long and, as we humbly conceive, an Unseasonable delay, whilst the Life Liberties and Interests of the Protestants of that Kingdom are daily invaded and destroyed, you will now give an instant dispatch for the Relief of that Miserable Realm and People.*

Decemb.  
1641.

And your Petitioners shall ever pray, &c.

Signed Gilbert Harrison, William Green, Richard Whitaker, John Stone, Tho. Stone, Edw. Claxton, cum multis aliis.

The House taking the Petition into Consideration, the Petitioners were called in, and the Lord Keeper, by direction of the House, told them, *That their Lordships were taking into their Consideration and Care, the Necessity and Affairs of Ireland, and will use all Expedition therein, and will take their Petition into Consideration.*

Then a Message was brought up from the Commons by the Lord Gray of Ruthen, *To desire their Lordships to joyn with them to Petition the King for a Monthly Fast throughout the Kingdom, during the Troubles of Ireland, and for a Proclamation to that Effect.*

2. *To Expedite the Answer to the Conference last Night concerning the Business of the Tower, which is a Matter of great Importance.*

The Answer was, *That this House joyns with the House of Commons in the first of this Message; but concerning the matter of the late Conference concerning the Lieutenant of the Tower, this House hath not thought fit to joyn with the House of Commons therein.*

A Message was brought from the House of Commons by the Lord Herbert, who brought up 3. Bills which had passed the Commons, Intituled,

(1.) *An Act to restrain Barge-men, Lighter-men and others from labouring and working on the Lords Day, commonly called Sunday.*

(2.) *An Act for the better raising and levying of Marriners, Sailors, and others, for the present Guarding of the Seas, and necessary Defence of the Realm and other his Majesties Dominions.*

(3.) *An Act for the settling by Fitzwilliams Conningsby Esq; a Rent-Charge of 200 l. per annum upon an Hospital in the Suburbs of the City of Hereford called Conningsbie's Company of Old Servitors, &c. and for*

3 Bills passed the House of Commons brought up to the Lords.  
(1.) For the Lords day.

(2.) For pressing Marriners, &c.

(3.) Fitzwilliams Conningsby's Bill.



Decemb.

1641.

Resolution of  
the Lords up-  
on the 6 Pro-  
positions of  
the Scots Com-  
missioners.

*the Settlement of Lands and Tenements for the payment of his Debts, and raising of Portions for his Younger Children, and for a new Joynture for his Wife, and a New Settlement of his Estate.*

The Lords then fell upon the Consideration of the 6. Propositions of the Scots Commissioners.

*To the First, Resolved, &c. That 10000 Scots shall be sent into Ireland, upon such Conditions as shall be agreed upon by the Parliament.*

*To the Second, This House agrees with the House of Commons therein.*

*To the Third, The House agrees unto it thus, That there shall be delivered unto the Scots 5000 Arms within a short time after their carrying their Arms out of Scotland, and 5000 Arms more within 5 or 6 Months, consisting of Pikes, Muskets and Swords, which is conceived are the Arms they will convey out of Scotland into Ireland.*

*To the Fourth, Agreed, That some Ships of War shall be sent to secure the Transporting of the Scots into Ireland; but because it will be some time before our Ships can come thither, the Commissioners are to Treat with the Scots Commissioners, either to Transport their Men without Ships of War, or else to imploy some of their own Ships, until ours can come, and they shall be paid for the same.*

*To the Fifth, This House agrees with the House of Commons, and refers it to the English Commissioners to Treat about a smaller Number of Horse.*

*To the Sixth, This House agrees with the House of Commons therein.*

A Conference was had with the Commons, which was thus Reported by the Lord Keeper,

*That the House of Commons greatly desired, That both Houses might have joyned together in an humble Petition to his Majesty for removing of Col. Lunsford, from being Lieutenant of the Tower of London.*

*The House of Commons say, They find ill Consequences already by his being Lieutenant; for Merchants have already withdrawn their Bullion out of the Mint, and Strangers which have Ships lately come with great store of Bullion, do forbear to bring it into the Mint, because he is Lieutenant of the Tower; and by this Means, Money will be scarce to come by, which will be prejudicial and obstructive to the pressing Affairs of Ireland. The House of Commons took it much to Heart, that their Lordships did not joyn with them to Petition his Majesty: Hereupon they have made a Declaration for themselves, and desired, That the same may be entred into the Journal Book of this House, as they have done the like in their House; Which was read in these Words:*

The Declarati-  
on of the Com-  
mons concern-  
ing the Tower.

“ **W**E the Knights, Citizens and Burgesses of the Commons House  
“ of Parliament, being very sensible of the great and emmi-  
“ nent Danger of the Kingdom, through the Designs of the Papists, and  
“ other Persons disaffected to the Publick Peace, and finding by frequent  
“ and eminent Symptomes, that the same groweth very near to matu-  
“ rity, amongst which We reckon this not to be the least, that the To-  
“ wer being a Place of such Importance to the safety of the City, and  
“ of the whole Kingdom, should be put into the Hands of a Man so un-  
“ worthy, and of so dangerous a Disposition, as by divers Testimonies  
“ Colonel *Lunsford* is affirmed to be, which caused Us yesterday, upon  
“ the Petition of the Citizens of *London*, to desire your Lordships to  
“ joyn with us in an humble Suit to his Majesty, that a Place of that  
“ great

L. Keeper re-  
ports Confe-  
rence about  
the Tower  
and Lunsford.



Decemb.

1641.

“ great Consequence might not be disposed in such a manner, as to hazard the Safety, Peace and Content of the City, and of the whole Kingdom; and perceiving that your Lordships have refused to joyn with us, in so important and necessary Request, do hereby declare before God and the whole Kingdom, that from the beginning of this Parliament, we have done our uttermost to preserve the State from Ruine; and having through God's Blessing prevailed so far, that the Design of the *Irish* Army of Papists, the other Designs of bringing up the *English* Army, several times attempted, a former Plot of Possessing the Tower, without which Treason could not be so mischievous to the State, were all prevented, although strongly bent to the Destruction of Religion, the Parliament and the Common-Wealth, do now find themselves incountred with as great Difficulty, as ever, the Papists Rebellion in *Ireland*, giving such Encouragement to the Malignant Party here, that they likewise receiving such advantage by the Delays and Interruptions, which we have received in the House of Peers, as we conceive by the great number of Bishops and Papists notoriously disaffected to the Common Good. And do therefore hold our Selves bound in Conscience to declare and protest, that we are Innocent of the Blood which is like to be spilt, and of the Confusions which may overwhelm this State, if this Person be continued in his Charge; and do intend to resort to his Majesty, in an humble Petition, that he will be pleased to afford us his Royal Protection, that the Kingdom and our Selves, may be preserved from this wicked and dangerous Design, and that he will grant Commissions and Instructions as may enable us to defend his Royal Person, and his Loyal Subjects, from the Cruelty and Rage of the Papists, who have long Plotted and Endeavoured to bring in a bloody Change of Religion, to the apparent Ruine of the whole Kingdom, and if any of your Lordships have the same Apprehensions that we have, we hope they will likewise take some Course to make the same known to his Majesty, and will further do what appertains to Persons of Honor and Fidelity for the common Good.

After the reading of this Paper, it was moved to adjourn the debate of this Matter till *Monday*, by some that it might be debated presently.

Hercupon the Question was put, *Whether the Debate upon this Report, shall be put off until Monday next, or not, and it was resolved to be put off until Monday next.*

Which being done, these Lords following did dissent to this Vote, and before the putting of the Question, did claim their Right to enter their Protestation against it, which was as followeth.

#### The Protestation.

*In respect the Conference brought up, and reported from the House of Commons, doth as it thereby declared, concern the instant Good and Safety of the King and Kingdoms, I do protest against the deferring of the Debate thereof until Monday, to the end to discharge my self of any ill Consequence that may happen.*

Lo. Admiral, Similiter, Lo. Chamberlain, E. Pembroke, E. Bedford, E. Warwick, E. Bolingbroke, E. Newport, Viscount Say and Seal, E. Suffolk, E. Carlisle, E. Holland, E. Clare, E. Stamford, Lo. Wharton, Lo. St. Johns, Lo. Spencer, Lo. North, Lo. Kymbolton, Lo. Brook, Lo. Grey de Werke, Lo. Roberts, Lo. Howard de Esrick.

The Protestation of divers Lords against the Vote to put off the debate of the Message concerning the Tower.

After



Decemb.

1641.

The Bishops of  
London, Ely,  
Bath and Wells  
released con-  
cerning Tenth  
upon the Poll  
Bill.

After which, upon reading of the Petition of the Lord Bishop of *London*, *William* Lord Bishop of *Bath and Wells*, and *Matthew* Lord Bishop of *Ely*, shewing that they had paid 60*l.* apiece for the Poll-Money, and deposited other Monies according to a Proportion of the double Tenths of their Bishopricks, But because their Bishopricks are freed by Letters Patents, under the Great Seal of *England*, from paying or accompting for any Tenths; It was Ordered by the Lords in Parliament, *That Mr. Parramour, with whom the said Monies were deposited, shall forthwith upon sight thereof (if he hath so much in his Hands of the Poll-Money, and if not, then as soon as so much Money shall come in unto him) repay unto the said Lords the Bishops their Assigns or Agents, all such Sums of Money, as he hath received from their Lordships respectively, above the 60*l.* apiece as is aforesaid.*

In the House of Commons, the same Petition from the Merchants, &c. was read, which was preferred to the Lords; also upon the Lords refusing to joyn with them to Petition the King for *Lunsford's* removal, they presently came to this Vote.

Vote against  
Colonel Luns-  
ford.

Resolved, &c. *That this House holds Colonel Lunsford unfit to be, or continue Lieutenant of the Tower of London, as a Person, in whom the Commons of England cannot confide in.*

Then *Mr. Hollis*, *Mr. Pym*, *Mr. Strode*, *Sir Edmond Montfort*, *Mr. Glyn*, *Sir Philip Stapleton*, *Mr. Martin* and *Sir John Hotham*, were Ordered to draw Heads for the Conference before recited.

*Sir John Berk-*  
*ley* bailed.

This Day it was moved that *Sir John Berkley* might be bailed, and thereupon

Resolved, &c. *That this House doth approve and allow of the Earls of Dorset and Stamford to be Bail, for Sir John Berkley a Prisoner in the Tower, the principat to be bound in the Sum of 10000*l.* the Security in the Sum of 5000*l.**

Captain Legg  
bailed.

Resolved, &c. *That this House doth approve and allow of the Earls of Cumberland and Newport, to be Bail for Captain William Legg, ut supra.*

*Mr. William*  
*son* a Minister  
bailed.

*Mr. William*son a Minister, in Custody of the Serjeant for a Sermon preached on Sunday was 7 Night, in the Parish Church of *St. Martins* in the Fields, shall be bailed, and the Consideration of the Sermon was referred to *Mr. Peard*.

Then *Sir Edward Hungerford*, *Sir Henry Mildmay*, *Sir Thomas Barrington*, *Sir Henry Vane*, *Sir Robert Pye*, *Alderman Pennington*, *Alderman Soame*, were appointed to treat with the Merchant Adventurers, or any others concerning the Loan of 50000*l.* for the Affairs of *Ireland*, and to offer them Security out of the 400000*l.* Bill, and 8*l.* per Cent, for forbearance of their Money.

It was also Ordered, *That Sir Thomas Barrington and Mr. Martin do this Night repair unto the Constable of the Tower, and desire him from this House, to lodge and reside within the Tower, and take the Custody and Guard of that Place.*

Monday,  
Decemb. 27.

Information was this Day given to the House of Lords, *That some Members of this House, have had false Rumors reported of them; That during the time of the King's being last in Scotland, it was told the Queen, That at a Meeting at Kensington (where the Earl of Essex, the Earl of Newport, the Lord Viscount Say and Seal, the Lord Mandevil, the Lord Wharton, Members of this House, and the Lord Dungarvan, Mr. Nathaniel Fines, Sir John Clotworthy and Mr. John Pym Members of the House*



House of Commons were present) upon a discourse of Plots, that should be done in this Kingdom, or in Scotland, the Earl of Newport should say, If there be such a Plot, yet here are his Wife and Children, meaning that the Person of the Queen and her Children should be seized upon.

Upon this the Earl of Newport stood up, and gave the House this Account, That hearing of such an Information which had been presented to the Queen, he went with some other Lords, and waited on the Queen, and with many Protestations assured the Queen, That never any such Words were spoken, nor the least thought thereof conceived of any such Fact; with which the Queen seemed to rest satisfied;

But upon Friday last, his Majesty asked him, Whether he heard any Debate at Kinsington, about seizing upon the Queen and her Children; which his Lordship denying, his Majesty replied again, That he was sorry for his Lordships ill Memory.

The House considering this Information to be of Consequence, and because several Members of the Commons were concerned in it, resolved to have a Conference with the Commons concerning it, that so they might search into this Business, and that the Bottom of it might be found out, and the Reporter of this false Rumor brought to condign Punishment. And the Lord Archbishop of York, Lord Admiral, E. Bristol, E. Holland, Lord Roberts, Lord Savil, were ordered to draw Heads for the Conference.

The Tumults now began upon this little Clash of the Two Houses, and the Lords refusing to joyn with the Commons to petition out Lunsford, to assemble in great Multitudes, to Force the Bishops by affronts to quit their station in Parliament, which hitherto could not legally be obtained; and there being a great Concourse of People about the Parliament Door and the Places adjoining, the Gentleman-Usher was directed to go and Command them in the King's Name to be gone, and repair to their respective places of Abode, or they should be proceeded against according to Law; who returned with this account, That the People are willing to depart, but say they dare not, because there is Colonel Lunsford with other Soldiers in Westminster-Hall that lye in wait for them, with their Swords drawn; and that some of them who were going through Westminster-Hall home, have been Wounded and Cut in their Heads by the said Soldiers.

Whereupon the House appointed the Lord Steward, the Lord Great Chamberlain, Lord Chamberlain, E. Bedford, E. Southampton, E. Pembroke, E. Sarum, E. Warwick, E. Clare, to Examine what Warrant hath been given to Soldiers to come down this day unto the Parliament House; and likewise what Notice hath been given to any others to come down to Westminster in Multitudes; and who gave the Occasion that Swords were drawn and blows given in Westminster-Hall, and near thereabouts among the People. And to Enquire why the Justices of Peace, and other his Majesties Officers, did not prevent the Tumults this Day according to Law, and the Commands formerly given them. Their Lordships or any 7. of them to meet on Tuesday the 28 of Decemb. 1641, at 9 of the Clock in the Morning in the Painted Chamber, and when after they please.

After this, the Lords Commissioners delivered in all the Scots Commissioners Propositions as follows:

Decemb.  
1641.

E. of Newport concerning a report of his speaking of seizing the Queen, &c.

Tumults.

A Committee of Lords appointed to consider of the Tumults.

Since



Decemb.  
1641.

Since it is desired that we should give in all our Propositions concerning the 10000 Men that are to be sent out of Scotland into Ireland, We do offer to your Consideration these following Propositions to those we have already given in.

“(1.) In respect that the Country is for the most part Wasted by the Rebels, and that it is necessary for the better Provision and Safety of our Army, That there be delivered unto Us some Places convenient, for the preserving of our Victuals, and for Retreat in case of Necessity; It is therefore desired, That the Town and Castle of *Carrickfergus*, *Colraine*, and *London-Derry* be put into our hands, wherein we may plant Garrisons, and make Use of them, for Magazins of Victuals, Arms and Munition, and for Retreat upon any Occasion: And that the Magistrates and Inhabitants thereof be ordeined to carry themselves to any of our Commanders there as is fit, and ordinary in such Cases; We giving Assurance to use them with all Brotherly Kindness and Respect; and to give full Satisfaction for what we shall receive from them, and that we shall make Use of the said Places, for the Honor and Advantage of his Majesty and the Crown of *England*; and faithfully restore them, to any having Commission from the King and Parliament when the War shall End; or that our Army shall be by them discharged, and satisfied of all Dues and Conditions made in this present Treaty.

“(2.) That the Towns of *Carrickfergus*, *Colrain*, and *London-Derry*, be instantly provided with Victuals of all kinds necessary for Soldiers, both for the Garrisons, and to furnish the Army, or any part thereof in Expeditions into any part of the Province, or where they shall go for payment upon such reasonable Prices as shall be agreed upon: And likewise that Powder, Bullet and Match, be sufficiently provided for at least 6000 Musketeers, and 24 or 30 Piece of good Ordnance, and that there be Gun-Smiths, and ingenious Carpenters sent thither, for the mending of Guns and Carriages, and such like, one Engineer or two to attend our Army, and that some hand-Mills be provided for the Companies in Marches.

“(3.) That Horses be provided for the Baggage of the Army and Train of Artillery, and Carriages for Carriage of Bread and other Provisions for the Mouth, and that to make Dragooners, every 100 Men have 10 Horses appointed for them.

“(4.) That the Inhabitants of any Towns or Villages in any Province where our Army shall be for the Time, be appointed to receive Orders from our Commanders, and to bring in Victuals for Money in an Orderly Way, as shall be directed by them, with Provisions of Oats, Hay and Straw, and such other Necessaries, and that when it shall be found, for the good of the Service, the Country People which are not levied in Regiments, be ordained to rise, and concur with our Troops, and receive Commands and Directions from our Commanders.

“(5.) That the Troops of the Kingdom of *Scotland*, go in the Way and Order of an Army under their own General, and Subaltern Officers, and that they have a Circle or Province appointed them, which they shall fall upon, and assail, wherein they shall prosecute the War, as in their own Judgment they shall think Expedient, for the Honor of the King and Crown of *England*, and that they have Power, to give Conditions



Decemb.

1641.

“ Conditions to Towns, Castles and Persons, which shall render and  
 “ submit themselves, as they shall find for the good of the Service  
 “ wherein they are imployed; which they shall oblige themselves faith-  
 “ fully to do and perform to the uttermost of their Power, and shall be  
 “ answerable to his Majesty, and the Parliament of *England*, for their  
 “ whole deportment and Proceedings, whereof they shall from time to  
 “ time give them an Account. That such Towns and Places, as shall be  
 “ recovered from the Rebels by our Army, be at the disposing of our  
 “ Commanders during their aboad there; and when it shall please God,  
 “ that the Rebellion shall be suppressed, in the Circle assigned to our  
 “ Army, they shall be ready to do Service in any other Place which shall  
 “ be appointed to them. And if it shall be found for the good of the  
 “ Service, that our Army joyn with the King's Lieutenant, and his Ar-  
 “ my; that our General shall only \* *Cede* to the King's Lieutenant of  
 “ *Ireland*, and receive in a Free and Honorable Way, Instructions from  
 “ him, or in his absence from the Lord Deputy, or any other who shall  
 “ have the Government of that Kingdom by authority derived from the  
 “ Crown of *England*; and shall precede all others, and only give Orders  
 “ to the Officers of his own Army; and that the Armies, the Right and  
 “ the Left hand, Van and Rear, Charge and Retreat successively, and  
 “ mix not in quartering nor marching; And if it shall be found fit to  
 “ send Troops out of either Army, that the Persons to be sent out of our  
 “ Army be appointed by their own General, the Lieutenant of *Ireland*,  
 “ prescribing the Number which shall not Exceed the fourth part of our  
 “ Army, whereunto they shall return after the Service is done: And  
 “ that no Officers of Ours be commanded by one of his own Quality;  
 “ and if the Commanders of the Troops so sent out of either Army be  
 “ of one Quality, that they Command the Party by turns.

\* Give Place.

(6.) “ That our Army be assured of three Months Pay to be put in  
 “ the hands of the Treasurers and Commissaries appointed by us at their  
 “ Rendezvouz in *Ireland*, and that before that time expire, there be a  
 “ Months Pay put in their hands, and so from Month to Month; and  
 “ that in this our Brethren of *England* may be put to no more charge  
 “ then is just and necessary, and that it may appear that we offer our  
 “ Assistance for Love only, We do desire, that there may be a Muster-  
 “ Master appointed to make strict and frequent Muster of our Troops,  
 “ and that their ways be so looked unto, that they make no such un-  
 “ lawful advantages.

(7.) “ Seeing we have voluntarily and freely made offer of our  
 “ Forces to this Service and to transport them to *Ireland*, upon our own  
 “ Charges, and will be subject to all Hazards which may follow thereup-  
 “ on, and will have the same Friends and Enemies with *England* in this  
 “ Employment, and must therein stand and fall with them, We expect  
 “ and desire that the King and State of *England* will take us into the  
 “ same consideration, and Reward our Service with the like Honours,  
 “ Recompences, and Plantations, as they shall do the *English* or *Irish*  
 “ who shall deserve well in this Business, for if we shall with the Ha-  
 “ zard of our Lives do good Service to his Majesty and the Crown of  
 “ *England*, it is most agreeable to Reason that we be sharers of the Fruits  
 “ of our Pains, the persons so rewarded being always tyed to the same



Decemb.  
1641.

" Conditions, and being subject to his Majesty and Crown of *England*,  
" as the *English* are and shall be.

*Sic Subscribitur.*

*Ja. Primrose.*

Letters from  
Ireland.

Whereupon it was Ordered, *That the Propositions be debated to Morrow.*  
Then Letters from the Lords Justices of *Ireland* were read, the Contents whereof was, *That they understand that there are Ships laden with Armes, and Ammunition at Dunkirk to be carried to the Rebels in Ireland, and that the Rebels are on both sides of Tredagh, which makes that Town in great want for Victuals.*

The Lord Admiral acquainted also the House that he had received Information of 4 Ships that are at *Dunkirk* with Arms, and that Men are providing there to be Shipped for *Ireland*, Whereupon it was Ordered, *That his Lordship be desired by the next Pacquet-Boat that goes for those parts to send over some discreet Man to give true Information of the Preparations there.*

The Commons having by a Message acquainted the Lords, that they are willing to joyn with them in searching into the business about the Lord *Newport*, and to Petition his Majesty to discover who informed him; the Lords resolved to joyn with them in it, and the Lords appointed to draw heads for the Conference were appointed to joyn with a proportionate number of Commons to make a draught of a Petition to be presented to his Majesty about this Business.

Tumults.

The Gentleman Usher was sent again to the People gathered together about the Parliament Houses, and was to let them know, *That this House dislikes their coming in such Multitudes, and Commands them to be gone, and if they have received injury or hurt by any body, if they represent their Names to this House, their Lordships will see that Justice be done.*

But this would not do, the Lords were no terror to them so long as they were assured of the favour of the Factious Party of the Commons.

A Message was therefore sent to the Commons for a Conference concerning the Tumults, upon these Heads,

(1.) *To desire the House of Commons to joyn with this House in a Declaration to be Printed and Published, of their dislike of the Assembling of the People in such Companies, and disorders about the Houses of Parliament.*

(2.) *To joyn with them in a Petition to his Majesty, that the Houses of Parliament may have a Guard.*

Favoured by  
the Faction of  
the Commons.

But the Faction of the Commons had other employment for these Tumults, and were so far from thinking fit to discourage them, that some of these insolent People being laid hold on, and Committed to the Gate-house, their Friends in the Commons House receiving quick advertisement of it, immediately dispatched Sir *Robert Pye*, Mr. *Wheeler*, and Mr. *Glyn* to inquire upon what Grounds those Citizens are Committed to the Gate-house and by whose Authority, and to discharge them if they shall see Cause.

And when this Conference was reported by Mr. *Hollis*, they were not at leisure to consider of it that night, it was too late, and therefore it was deferred till the next day; and the next day when it was moved, the Question being put whether the Question shall be put at this present concerning the joyning with the Lords in a Declaration as is desired,

it



it past in the Negative, they being it seems so unwilling to disoblige the Rabble, that they would not so much as permit the Question to be put concerning it; and it is easie to conjecture with what courage this inspired those Rude and Insolent People, Porters, Watermen, &c. when they saw themselves out of the reach of the Law, the only thing those mean and fordid spirits are capable of being kept in order with, and that they had nothing to fear, when their Guardians of the Commons House would not suffer the tenderest part of the Law, a Proclamation to be awarded against them.

Sir Thomas Barrington this day Reported in the House of Commons' That according to the Command of the House, not being able to meet with the Constable of the Tower, he wrote a Letter unto him; that yesterday he came to him and told him, that his Majesty was pleased to discharge him of the Constableship of the Tower, and to tell him he did it because it was cause of Jealousie.

The Reader will from hence gain a clear Light into the Mystery of all this Bustle about the Scandal which took up so great a part of this and the following Days Debate, and will easily perceive the displeasure of this Lords being displaced, raised all this Dust, which however blanch-ed as a Scandal upon him and others, yet is so like the sayings of some in that Company at *Kensington*, that one can difficultly be perswaded to believe, but that with all this Smoak there was some Fire, & that the King spake what he did upon good assurance, but that such was the Fury and Violence of the headstrong Faction, that to have produced any Witness in a matter which concerned them so nearly, and would have exposed their Designs, would have been to have thrown a Man into a Den of half starved Lyons, and it had been impossible to have escaped their fury without the help of *Daniels* Miracle in the Sacred Story.

The Lord *Dillon* and Col. *Taaf* having by Order of the House been taken into Custody, their Papers were searched, and ordered by a Committee to be perused, and they to remain in Custody till the House takes further Order therein.

It was also Ordered, That Col. *Lunsford* be summoned to attend this House to morrow morning at 10 of the Clock, and that Mr. *Thraile* be required to be here at the same time, as also Capt. *Hide*, Capt. *Scrimshire*, Mr. *Butler*, Mr. *Brooks* and Mr. *Moore*, and that the Citizens who gave the Information at the Bar against Colonel *Lunsford*, be required to be here at the same time. The Reader may here see the terrible Army under Colonel *Lunsford*, which frightened the Citizens, as they pretended in Excuse to the Lords, that they durst not go through *Westminster-Hall*.

A Committee was appointed to joyn with the Lords, to draw the Petition concerning the Lord *Newport*. viz. Sir *Henry Vane*, Senior, Mr. *Glyn*, Sir *Edward Hungerford*, Sir *Gilbert Gerrard*, Sir *John Culpeper*, Sir *Thomas Barrington*, Sir *Philip Stapleton*, Sir *Robert Cooke*, Mr. *Strode*, Mr. *Long*, Sir *Benjamin Rudyard* and Mr. *Hollis*.

The Tumults as the Reader may have observed, begun now to be Frequent, Dangerous and Insolent, which occasioned his Majesty this Day to Issue out his Royal Proclamation against them, as followeth.

Decemb.

1641.

E. of *Newport* discharged from being Constable of the Tower.

L. *Dillon* and Colonel *Taaf* Imprisoned.

*Lunsford* summoned to the Commons House.

Committee for the Petition concerning L. *Newport*.

Tuesday, Decemb. 28.



Decemb.

1641.

A Proclamation  
on against Tumults.

By the KING.

**H**IS Majesty taking into his Princely Consideration, the manifold Inconveniencies and Mischiefs that may arise and happen, by the Riotous and Tumultuous Assemblies, in and about the Cities of London and Westminster, not only to the violation of his Majesties Peace, and Scandal of Government, but to the Disturbance of his Houses of Parliament now Assembled, doth strictly Charge and Command, all the Inhabitants of his Cities of London and Westminster, and the Liberties thereof, and also of the Suburbs, and Confines of the said Cities and Places adjoining, that upon no Occasion, they do not Assemble themselves, in any Tumultuous or Riotous manner, in any Part or Place, in or near the said Cities or Liberties, and that all Persons now Assembled in any Numbers, without his Majesties Authority, do forthwith upon Publishing this his Majesties Proclamation, dissolve their Assemblies and Companies, and repair to their Dwellings, or Places of abode, upon their Perils of being proceeded against, as Violaters of the Publick Peace of this his Majesties Kingdom, and of being punished according to the Severity of the Laws and Statutes of the same.

Given at Our Court at *White-Hall*, this 28th day of December, in the Seventeenth Year of Our Reign.

God save the King.

The King to  
be moved for  
a Monthly Fast  
for *Ireland*.

The Lord Keeper was this Day ordered to wait on the King, and move his Majesty from both Houses of Parliament, that a Monthly Fast may be kept throughout the whole Kingdom, during the Troubles of *Ireland*, and that his Majesty will be pleased, that a Proclamation may issue forth for this purpose; and likewise for the keeping of the 20th of January next as a Fast throughout the whole Kingdom, except *London* and *Westminster*, where it hath been already Solemnized.

Then the Lord Admiral reported the draught of the Petition drawn up by the Committee of both Houses in the *Kensington* business, which was read as follows.

To the King's most Excellent Majesty,

The Humble Petition of the Lords and Commons in this present Parliament Assembled.

The Petition  
of the Lords  
and Commons  
about the  
*Kensington*  
business.

**W**Hereas, during Your Majesties last being in Scotland, the Queens Majesty received Information, that at a meeting in *Kensington*, where the Earl of Essex, the Earl of Newport, and Lord Viscount Say and Seal, the Lord Mandevile, the Lord Wharton, Members of the Lords House; the Lord Dungaruen, Mr. Nathanael Fiennes, Sir John Clotworthy, and Mr. John Pym, Members of the House of Commons were present, upon a Discourse of some Plots, that should be done in this Kingdom or in Scotland, the Earl of Newport should say, If there be such a Plot, yet here are his Wife and Children, insinuating the same to signifie, that the Person of her Majesty and her Children should be seized upon. And whereas Your Majesty upon Friday last, was pleased to demand of the Earl



Earl of Newport, whether his Lordship heard any Debate at Kensington, about seizing upon the Queen and her Children, which when his Lordship had denied, with many and deep Asseverations Your Majesty replied again, That he was to tell Your Majesty no more then you knew already, and therefore should consider well what he should Answer; and his Lordship denying it the second time, Your Majesty parting from him, replied, you were sorry for his ill Memory, seeming thereby to give Credit to that Information; which Information and Report, tend not only to the great scandal of the Members of both Houses of Parliament before named, but express an endeavor to stir up Jealousies, and work a Division between Your Majesty and the Parliament.

It is therefore the humble and instant desire of the Lords and Commons in this Parliament, That Your Majesty will be pleased to declare, who was the Reporter or Reporters of those Words pretended to be spoken at Kensington by the Earl of Newport. And that Your Majesty will be pleased likewise to move her Majesty to discover who acquainted her therewith.

And this, as Your greatest, and most faithful Council, they advise Your Majesty to perform (the Exigency of the Affairs of both Kingdoms being such as necessarily require a sudden Remedy) which cannot expect any possibility of success without a right Understanding between Your Majesty and the Parliament, the only way for effecting hereof, is, by the present discovery and removal of ill Counsellors, and false Informers, which to our great Grief, we have by Experience found to be too frequent and active in these Dangerous Times.

After the Reading whereof, it was Ordered, That this House agrees, that this Petition be presented to the King: And the Lord Admiral, Earl of Bath, and Earl of Holland, were appointed to wait on the King, to know when the Select Committees of both Houses shall attend him to present the aforesaid Petition: Who being returned, brought Answer, That His Majesty hath appointed them to attend him, for this purpose, to morrow in the Afternoon, at One of the Clock at White-Hall.

The Lord Chamberlain signified to this House, That the King had commanded him to let the Parliament know, that His Majesty will furnish 10000 English Volunteers, if the House of Commons will undertake to pay them.

Upon a Debate this day, the Reason of which the Reader will meet hereafter, it was Resolved upon the Question, That this Parliament is at this present a free Parliament.

In the Commons House Mr. Pym Reported an Order from the Committee of the Navy, in these Words.

It is this day Ordered by the Commons House of Parliament, That the Committee for the Navy, where Sir John Culpeper has the Chair, shall Examine why the 55000 l. Ordered in August last by both Houses for supply of the Navy, out of the last Bill of Tonnage and Poundage, hath not been accordingly performed; and having found out the Obstructions therein, shall present the same to this House with all convenient speed, together with their Opinions what is fittest to be done thereupon, and they are further to Examine what Monies are likely to come in upon the present Bill of Tonnage and Poundage, during the time it is granted, and to report it to this House. That the Ordinary and Extraordinary Charge of the Navy for the Year 1642, may be provided for out of the same. It

Decemb.  
1641.

Message from  
the King to  
the Lords con-  
cerning Vo-  
lunteers for  
Ireland.

Order of the  
Commons  
touching the  
Navy.



Decemb.  
1641.

is further Ordered, That in case the Money arising out of the last Bill of Tonnage and Poundage shall not be found sufficient, to discharge the above-said Sum of 55000 l. that then, what shall be wanting thereof shall be forthwith paid to the Treasurers of the Navy, out of the Monies coming in upon the present Bill of Tonnage and Poundage. It is also Ordered, That the Sum of 2058 l. 10 s. shall be paid out of the Monies payable by virtue of the aforesaid Bill, to the Officers of the Ordnance, for the Expences in their Office, for the setting out of the last Summers Fleet, according to the Engagement of this House.

It is further the Opinion of the Committee, that in the Case of Sir Henry Vane junior, concerning the Office of the Treasurer of the Navy, That this House do declare, that they will take that into Consideration, when they shall consider of the passing the next Bill for the Subsidy of Tonnage and Poundage.

This Order being read, was Voted, and upon the Question Assented unto.

It may be remembred what flourishing Speeches Mr. Speaker had formerly made to the King upon the tendring of the Bills for Tonnage and Poundage to his Majesty for the Royal Assent, which yet by this Order appear to have been such meer Complements, that the King was not so much as a Trustee for the Publick, but the Money raised in his Name, and by his Authority, was to be wholly managed by their Order: And Sir Henry Vane for the kindness done them in the Earl of Strafford's Case, must be sure to be remembred for a beneficial Office; as in truth, if in any thing they acted generously and wisely, it was in obliging their Friends by Rewards, and discouraging their Enemies by punishments, the two Methods which Govern the World, and which all great Men and great Undertakers, have ever by Experience found to be the certain Supporters of their Designs and Enterprizes.

Wednesday,  
Decemb. 29.

The Tumults began now to be so horrible Insolent by the Countenance they received from the Faction of the House of Commons, and particularly from their great Patron Pym, who publickly at a Conference said, *God forbid the House of Commons should proceed in any way to dishearten people to obtain their just desires*; that they not only ran by Troops down to Westminster to cry, *No Bishop*, but as they passed by White-Hall, they cried, *They would have no Porter's Lodge, but would come to speak to the King themselves, without Controul, and at their own Discretion.*

Tumults.

The House of Lords hereupon sent for the Sheriffs of London and Middlesex to attend their Lordships, who being called in, and being asked, *Why they have not observed the King's Writ, in suppressing and preventing of Tumults and Routs*? They Answered, *That the Justices of the Peace for Middlesex opened the Writ, and granted out Warrants to the Constables, who sent Guards to the Houses of Parliament; and upon this, they were Questioned by the House of Commons, and the Guards were dismissed*: And they might have added, that Justice Long for his diligence in this matter was committed Prisoner to the Tower.

The Lords endeavor to suppress the Tumults.

Hereupon the Judges were ordered to withdraw, and take into consideration what is fit to be done, *to disperse and prevent Multitudes of People Assembling hither*; which they did, and returned their Opinions, *That the best way to suppress Tumults, is to put in Execution the Statute of 13 H. 4. Cap. 7.* But this not being thought sufficient, the Judges were again appointed to consider what is the Usual Practice in other Courts for preventing of Tumults



*Tumults and Routs.* To which they returned Answer, *That it is Usual at Assizes for the Sheriff of the County to attend all the while with a Competent Number of Men.* Hereupon it was Ordered, *That the Under-Sheriff of Middlesex, and two of the Justices of the Peace for Westminster, shall hereafter attend this House de die in diem, and receive the Directions of the House for the preventing and suppressing of Riots and Tumults hereafter.* But their Lordships did but all this while work against Wind and Tide, the Factious Commons had occasion for Tumults, and Tumults were resolved to have for their occasions in despite of the Lords or the Laws either.

The Lords and Commons who were appointed to present the Petition about the Earl of Newport, did it this day, to whom the King returned this Answer for the present, *That he will put his Answer in Writing, and send it to the House.*

Then the Lord Chamberlain delivered this Message to the House by Command from the King, *That his Majesty being very sensible of the great Miseries and Distresses of his Subjects in His Kingdom of Ireland, which daily increase so fast, and the Blood which hath already been spilt by the Cruelty and Barbarousness of those Rebels crying out so loud, and perceiving how slow the Succours designed thither go on, His Majesty thought fit to let their Lordships know, and desires You to acquaint the House of Commons therewith, That His Majesty will take Care that by Commission which he shall grant, 10000 English Volunteers shall be speedily raised for that Service, if the House of Commons shall declare that they will pay them.* Which was ordered to be communicated to the Commons at a Conference.

Nor was it the Rabble only that was unruly, the Pulpit now under the Protection of the Faction began to break loose, and those amphibious Church Hypocrites, who had no manner of Love for the Church, Except the Revenue, nor any Honor for the King but what was owing to Fear, began to animate the People to Sedition, under the Cloak of Reformation; as will appear by this Order of the Lords following.

Ordered, *That Mr. Knowles and Mr. Grey who have lately Preached Seditious Sermons in the City of London, shall be proceeded against by his Majesties Attorney General according to Law.*

Then a Message was brought from the House of Commons by Mr. Hollis, to let their Lordships know, *That the House of Commons have taken into their Consideration Two Propositions lately sent to them from their Lordships. And the House of Commons say, Concerning the Proposition in general for preventing of Tumults and Routs, they will agree to all good and lawful Wayes, as their Lordships shall think fit for the Safety of the Parliament; but for Printing of a particular Declaration, the House of Commons say, They have entred into Debate thereof, and they find it to be a thing of that great Consideration, as will require time to consider of it.*

*Concerning the Proposition, That the Parliament may have a Guard, the House of Commons agree thereunto, so it be such as the Parliament approve of, and that it be Commanded by the Earl of Essex.*

*Further, the House of Commons desired their Lordships would speedily pass the two Bills for Pressing Marriners, and Soldiers for Ireland, without which they conceive Ireland cannot be saved.*

I have often hinted before the great Ground that there was to believe that these Tumults were encouraged and promoted by the Faction; and that

Decemb.  
1641.

A Message from the King again concerning Volunteers for Ireland.

Knowles and Grey, 2 Seditious Ministers ordered by the Lords to be prosecuted.

Message from the Commons concerning a Declaration to suppress Tumults, and a Guard.



Decemb.

1641.



Informations  
that the Mem-  
bers of Parlia-  
ment occasi-  
oned the Tu-  
muls.

that I may not seem to write this as a conjecture, I have had the good Fortune to meet among some of the Old Papers of those Times in the Clerk of the Parliaments Office, by the Assistance of my Worthy Friend *William Goldesborough* Clerk of the Parliament, that which will remain as a sufficient Testimony to Posterity, of the truth of this Matter; for *Sir John Strangeways* upon the 24th of November, delivered in this Information,

Mr. Speaker,

**A**N Information was given unto me of a design and attempt to have been made upon this House, which if I mistake not, comes near to High Treason; but that I must submit to your Judgment. It doth asperse in general some Members of this House, but indefinitely, without naming of any, for consenting unto it, if not for contriving of it. The Information was as follows.

*A brief of the discourse, that passed between one Cole an Apprentice to one Mr. Mansfield a Haberdasher in Distaff-Lane, and John Michaelson, upon Wednesday the 24th of November, 1641. between 9 and 10 of the Clock at Night, in the hearing of Stephen Terret, Uncle to the said Cole, and John Derivall, both Inhabitants in Chelmsford.*

*The said Cole, a lusty Young man, came into the Chamber of the said John Michaelson at the Spread Eagle in Gracious Street, and without any demand or provocation, did freely confess in a boasting manner, That he was but then newly come from the Pallace-Yard in Westminster, where he with a Thousand more had been that Evening, all armed with Swords; the said J. Michaelson asked him the Reason why they would, or how they durst adventure in that unlawful way to gather themselves together, to put Fears and Jealousies in the Parliament; and told him it was not allowable by the Laws of God or of the Land; and asked him what Warrant they had for this disorderly act? He answered, That they were sent for by some Parliament-men. I asked him, What ground he had for what he said? He told me his Master was a Constable, who gave him a Sword, and bad him go; and he believed that the Masters of the other Apprentices that were with him, gave them the like Directions, and that they would not have done so, unless some Warrant or Direction had come from some Parliament-men. I asked him to what End they went? He answered, That they heard there was a division in the Lower House, and that the best affected Party was like to be over-powered by the other, and their direction and intentions was to assist them, when they should be call'd for: but finding that they agreed well and came peaceably away together, he and his Fellows came quietly away.*

\* John Michaelson.

\* This Michaelson was a Dr. in Divinity.

But Mr. Kirton gave in an Information more particularly as follows:

**W**Ednesday 24th of November, Mr. Lavender's Man came in the Evening to one Farlow's House in Woodstreet, where his Master with other Company, was taking Tobacco, and told him that Captain Ven had sent for him presently, to repair to Westminster with his Arms, for there was an Uprore in the Parliament House, and Swords drawn in the Parliament



Parliament House; whereupon the said Lavender suddenly went away, and threw his Pipe on the Table, and the Company was much amazed.

Decemb.

1641.

Mr. Laurence Ruddyard,  
Mr. Farlow of Cambridg,  
Mr. Farlow of Wood-Street.

P. Bradswawe.

After this, a Message was brought from the Commons by Sir Philip Stapleton Knight, to let their Lordships know, *That the House of Commons finds by common Fame, that it hath been said in this House, by the Lord Digby, and offered to be justified by him, That the House of Commons have invaded the Priviledges of the Lords House, and the Liberty of the Subject; and that he did likewise say in this House, This was no free Parliament: the House of Commons desires, That if those Words have been spoken by him, that Right may be done to the Commons of England, against the Lord Digby, and that if no such Words were spoken by him, That then a Declaration may be set forth to acquit the House of Commons of that Scandal.*

A Message from the Commons concerning the Lord Digby.

The Consideration of the Words in the said Message, were referred to the Committee appointed to keep a good Correspondency between the two Houses. From this Message the Reader may observe the Reason of the Vote last Night, concerning this being a free Parliament, and how quick Intelligence the Commons had of particular Persons and Things, that at that time passed in the House of Lords; they had long had a dormant Pique against the Lord Digby, for his franck Expressions in the Speech he made concerning the Bill of Attainder of the Earl of Strafford, and the Revenge of the Party Slept, as old Pliny saith Lions do, with their Eyes open, to watch the most convenient opportunity for Execution.

A Message was brought from the House of Commons by Mr. Jepson, to desire a present Conference by a Committee of both Houses, if it may stand with their Lordships convenience concerning Ireland; which Conference was thus reported by the Lord Keeper.

*The House of Commons expressed the great danger, that the Province of Munster is in, and the ill Consequence that may come to that Kingdom, if the Rebels should gain it. The House of Commons therefore present these Propositions to their Lordships, and desire they would joyn with them in it.*

Lord Keeper's Report of the Conference with the Commons, concerning Ireland, Decemb. 29. 1641.

Then the Propositions were read, being certain Votes of the Commons.

(1) Resolved upon the Question, *That there shall be forthwith sent from hence 1500 Muskets, and 500 Corsets to Bristol, to be with all speed Transported to Youghall in Munster, to be disposed of by the President there, for the Defence and Security of that Province.*

(2) *That a proportionable Provision of Match and Bullet, be made and provided for the Relief of the Province of Munster, and the Bullets to be provided at Bristol.*

(3) *That 10 Lasts of Powder be forthwith speeded by Carts to Bristol for Youghall.*

(4) *That two Regiments of 1000 Foot in a Regiment, be forthwith raised for Volunteers, out of the Western Countries, and that the Colonels may be contracted with at 30s. for every Soldier, for the raising and transporting them into Munster.*



1641.  
Decemb.

(5.) That their Entertainment may be the same, that the House hath allowed for other Officers, and that they may be Mustered at their Landing in Munster, and that the Officers Pay then begin.

(6.) That Arms and Munition may be sent from hence for those 2 Regiments, and that Sir Charles Vavasor be required to hasten the raising of his 500 Men appointed by the House for Munster.

(7.) That the Lords be desired to joyn with the House herein, That his Majesty may be moved from both Houses for the Arms and Munition.

(8.) That 2 Ships about 200 Tun apiece, Rigged and provided as Men of War, may be hired at Bristol for the present Guarding of the Coasts of Munster, and to Transport Men, Arms and Munition from hence.

(9.) It is likewise Ordered, That Levy-Mony shall be allowed to the Lord Inchequin and Mr. Jepson, for the Raising 2 Troops of Horse, each of them consisting of 100 Men, after the Rate of 10 l. a Horse; and that Arms shall be provided both for the aforesaid 2 Troops, and likewise for a third of 100 Men to be Raised and Commanded by Sir William Courtney; all which 3 Troops are to be Payed by the Province of Munster, according to the Rate allowed to other Troops in the Irish Army.

(10.) It is desired, That the Lords would joyn with this House to move his Majesty to Grant a general Warrant to the Earl of Newport for the Issuing of such Arms and Ammunition from time to time, as shall be thought fit by both Houses of Parliament, the King being made acquainted therewith. And likewise to move his Majesty to grant a General Warrant to the Lord Lieutenant of Ireland for the transporting from time to time such Men, Horse, and Ammunition, as shall be thought fit by the King and Parliament.

The Sheriffs of London and Middlesex, and Justices of Westminster, ordered to suppress the Tumults.

Then the Sheriffs of Middlesex and London, and some of the Justices of the Peace for Westminster were called in, and the Statute of 13 H. 4. c. 7. was read unto them, and they were commanded to do their Duty according to this Statute now read, at their own Perils, and if they doubted of any thing, then they are to resort to this House for advice and directions therein.

Tumults supported and encouraged by the Commons.

The Lords did what lay in their Power to repress the Insolence of the Rabble, but it was to no manner of purpose, for this very day a Roll of Apprentices, with one Barnardiston in the head of them in a menacing and insulting Tumult Marched down to Westminster, and some scuffling there was about the very Gates at White-hall; and the Sheriffs of London and Middlesex having drawn together such a Guard as they could, seized some of them, and committed them to Prison, and the House of Commons being informed thereof, immediately It was Ordered, That Sir Robert Pye, Mr. Laurence Whittaker, Mr. Wheeler, and Mr. Alderman Pennington, do call the Officers and such others unto them that have Committed some Apprentices, and examine the Grounds of their Commitment, and by whose Authority they were Committed, and Report them to the House. And Mr. Hollis was posted up to the Lords with a Message to let their Lordships know, That the House of Commons have received information of great disorders, committed between this House, and Charing-Cross, that certain persons in the Habit of Gentlemen who are reported to be Officers in the late English Army, and are now in Whitehall, or some places thereabouts, back'd, and countenanced by a Guard of the Trained-Bands attending about Whitehall, do Issue out in Numbers, and assault the Kings Subjects, going and returning in the

Kings



*Kings Peace to and from the Parliament, offering to them as they are credibly informed no Offence at all, and 20, or 30 of them sore wounded.*

Decemb.

1641.

This the House of Commons conceive to be a true Violation of the Liberty of the Subject, and an affront to the Parliament, and will in the end strike Aw and Terror into the Parliament, if not prevented by the Wisdom of your Lordships and the House of Commons.

The House of Commons are likewise informed by a Member of their House, That he going from the House to his Lodging, through the Church-Yard, found there a Guard of Soldiers, and inquiring of them, by whose command they were there, they answered by the Lord Archbishop of York's: If this be to be suffered, to have Guards set about the Parliament in this manner, to the Terror and affray of the People, the House of Commons submit it to your Lordships judgment, and therefore to prevent all inconveniencies, the House of Commons desire to have a Guard, otherwise there will follow certain Mischief in the end, which the House of Commons foreseeing do give your Lordships timely warning, that if it happen they may clear themselves to all the World.

Therefore, that we may still be a free Parliament, he said he was Commanded to desire their Lordships, *That according to their own Proposition, and upon such conditions as the House of Commons consented to, that your Lordships will presently joyn with the House of Commons in an humble Petition to his Majesty, that the Parliament may have a Guard, and such a one as may be approved by both Houses of Parliament, and to be Commanded by the Earl of Essex.*

Then the Lords taking this Message into Consideration, after a long debate, this Question was put: *Whether this House will joyn with the House of Commons, in an humble Petition to his Majesty, to desire that the Parliament may have a Guard, and such a one as may be approved of by both Houses, and to be Commanded by the Earl of Essex.* And it was Resolved Negatively.

Besides what hath before been taken notice of in the Conferences with the Lords, there passed a Vote, *That the Matters this day debated, concerning the removal of the Earl of Bristol from the King and Council, be referred to a Committee, to prepare and present it to the House.*

The Kings Message concerning the 10000 English Volunteers, was also Communicated to the Commons at a Conference, but they took no notice of it.

The House debated the Obstructions, which hindred the speedy relief of Ireland, and Mr. Hollis, Mr. Pym, Mr. Strode, Sir Edm. Montfort, Mr. Glyn, Sir Philip Stapleton, Mr. Martin, Sir John Hotham and Sir John Culpeper were appointed a Committee, to prepare a Declaration, upon the heads this day propounded here, concerning the Obstructions in the Affairs of Ireland, and the Causes thereof, and present it to the House. Though truly who ever reads the Kings last Message concerning the Volunteers, may find without the help of this Declaration, that the Committee themselves and their Faction in the House, were the only Obstruction in this Affair. And for all their seeming Zeal, yet this Rebellion in Ireland, was such a necessary handle to their present Affairs, and future Designs, that they were resolved not to part with it, till they had served their own turn with it; and happen the worst, they were resolved the miscarriages should not ly at their doors,

Vote to remove the E. of Bristol from the King and Council.

Committee for a Declaration concerning the Obstructions in relieving Ireland.



Decemb.

1641.



Order of the  
Commons for  
a double  
Watch.

so long as they could have 15000 Porters, to take the Burden from their Backs and Petition it to the Bishops, the House of Lords, or the Kings Back, if occasion required. They had indeed gained such an intire Ascendant upon the faith of the Populace, that whoever they accused of it, they were assured would be believed Guilty.

And that they might not be wanting to inflame the People into farther Tumults, and lest they should cool in the service of crying *No Bishops*, and affronting the King and the Laws, even at the Gate of his Majesties Royal Palace.

It was Ordered, *That the Bailiff, and other Officers of Westminster, be required from this House to take Care, that a double Watch and Guard may be kept about this City and Suburbs this Night.* And to improve and second this Invention, some of their Infamous and Malicious Agents, made Out-Cries in the City, That all People should rise for their Defence, for that the King with his Papists were coming to Fire the City, and Cut their Throats. Which hellish Calumny backed with the suspicious Order of the Commons, inflamed the People for want of Sleep and Reason to cool their Brains, and see into the wicked Artifice, to those Degrees, that these imaginary Dangers wrought them up to the same height of Frenzy and Madness, that the most real Mischiefs could have done; and Ignorance being both the Mother of Credulity and Fear, those wicked Incendiaries, who had kindled these Flames, ceased not to feed these two Passions with constant Fuel, and to blow them up into Discontent and Hatred of his Majesty and the Government, as designing their Ruin and Destruction, and not their Safety, Happiness and Protection.

Thursday,  
Decemb. 30.

This Day the Lord Keeper acquainted the House of Lords, *That the King had commanded him to deliver a Petition to their Lordships which was presented to him; whereupon the House commanded the said Petition to be read, which was in these Words.*

To the King's Most Excellent Majesty, and the Lords  
and Peers, now Assembled in Parliament.

The Humble Petition and Protestation of all the Bishops and Prelates, now called by his Majesties Writs, to attend the Parliament, and present about *London and Westminster*, for that Service.

The Petition  
and Protestati-  
on of the Bi-  
shops, Decemb.  
30, 1641.

**T**hat whereas the Petitioners are called up by several and respective Writs, and under great Penalties, to attend in Parliament, and have a clear and indubitate Right to Vote in Bills, and other matters whatsoever, debateable in Parliament, by the ancient Customs, Laws and Statutes of this Realm, and ought to be protected by your Majesty, quietly to attend and prosecute that great Service.

They humbly Remonstrate and Protest before God, your Majesty, and the Noble Lords and Peers, now Assembled in Parliament, that as they have an indubitate Right, to sit and Vote in the House of the Lords, so are they (if they may be protected from Force and Violence) most ready and willing to perform their Duties accordingly. And that they do abominate all Actions or Opinions tending to Popery, and the maintenance thereof; as also, all Propension and Inclination to any malignant Party, or any other Side or Party whatsoever, to the which their own Reasons and Consciences shall not move them to adhere.

But



But whereas they have been at several times violently Menaced, Affronted, and Assaulted by multitudes of People, in their coming to perform their Services in that Honourable House; and lately chased away, and put in danger of their Lives, and can find no redress or protection, upon sundry complaints made to both Houses in these Particulars.

They likewise humbly protest before your Majesty, and the Noble House of Peers, That saving unto themselves all their Rights and Interests of Sitting and Voting in that House at other times, they dare not Sit or Vote in the House of Peers, until your Majesty shall further secure them from all Affronts, Indignities and Dangers in the Premises.

Listly, Whereas their Fears are not built upon Phantasies and Conceits, but upon such Grounds and Objects, as may well terrifie Men of good Resolutions, and much Constancy. They do in all Duty and Humility, protest before your Majesty, and the Peers of that most Honorable House of Parliament, against all Laws, Orders, Votes, Resolutions and Determinations, as in themselves Null, and of none effect; which in their Absence, since the 27 of this instant Month of December 1641, have already passed; as likewise against all such as shall hereafter pass in that most Honorable House, during the time of this their forced and violent Absence from the said most Honorable House; not denying, but if their absenting of themselves were willful and voluntary, that most Honorable House might proceed in all these Premises, their Absence or this their Protestation notwithstanding.

And humbly beseeching your most Excellent Majesty to command the Clerk of that House of Peers, to enter this their Petition and Protestation amongst the Records,

They will ever pray to God to bless and preserve, &c.

Job. Eborac: Tho. Duresme, Rob. Co. & Lich. Jcs. Norwich, Jo. Asaphen. Guil. B. & Wells, Geo. Hereford, Rob. Oxon. Mat. Ely, Godfr. Glocest. Jo. Peterburg, Morg. Landaff.

Hereupon a Message was sent to the Commons to desire a present Conference by a Committee of both Houses, to Communicate to them the Petition of the Bishops, and to let them know, That the Petition containing matters of high and dangerous Consequence, such as their Lordships are very sensible of, and require a speedy and suddain Resolution; the Petition extending to the deep intrenching upon the Fundamental Privileges and being of Parliament.

In the afternoon the Lord Keeper Reported, That he had according to their Lordships command, moved the King in the humble desire of both Houses, concerning the keeping of a monthly Fast, during the troubles in Ireland, throughout the Kingdom; and for the 20th. of Jan. next to be kept a Fast; and that he would be pleased to give order that a Proclamation may issue forth for that Purpose; to which his Majesty was pleased to give consent, and will give a Warrant for a Proclamation to issue forth presently.

The Commons by this Message concerning the Bishops, finding they were fallen under the displeasure of the Lords, laid immediately hold of this fair occasion, and fell to work upon the matter; and having first Ordered, That no Member of the House do go forth of the House during this debate, and that the Door be lock'd, and the Key brought up; the outward Room cleared and the Door likewise lock'd, and the Key brought up; and that no Paper be delivered out.

What

Decemb.  
1641.

Conference about the Petition of the Bishops.



Decemb.

1641.

Votes against  
the Bishops  
by the Com-  
mons upon  
their Petition  
and Protesta-  
tion.

The twelve Bi-  
shops accused  
by the Com-  
mons of High  
Treason for  
the Petition.

The Bishops  
taken into  
Custody.

The King's  
Answer to the  
Petition con-  
cerning the  
Kensington  
matter.

What the Debate was I cannot tell, but there is an Order, which is Cancelled, in these words, *That two of the Citizens that serve for the City, shall go into the City, and acquaint them that this House is beset and in danger.* But it seems upon cooler thoughts and more deliberation they thought this would too publicly shew that they were the Authors of the Tumults and Routs, as in reality by this it appears they were; and therefore this was altered, and it was Resolved, &c. *That this House shall renew their desire of a Guard, upon the Reasons which the Petition of the Bishops this day read gives them occasion to desire it.* But whatever was the beginning of the debate, the end of it was to fall upon the Bishops; and therefore it was Resolved upon the Question, *That John Arch-Bishop of York shall be accused by this House, in the Name of all the Commons of England of High-Treason.*

*Resolved, &c. That Thomas Bishop of Durham, shall be Accused by this House in the Name of all the Commons of England, of High Treason.*

The same Vote in terminis passed severally against Joseph Bishop of Norwich, Robert Bishop of Coventry and Lichfield, John Bishop of St. Asaph, William Bishop of Bath and Wells, George Bishop of Hereford, Matthew Bishop of Ely, Robert Bishop of Oxon. Godfrey Bishop of Gloucester, John Bishop of Peterborough, and Morgan Bishop of Llandaff.

And Mr. Glyn was Ordered to go up to the Lords with this Message, to take notice of the Lords respect to this House in Communicating this Petition with so much speed, and so much affection, and for expressing their sense of the Petition of the Bishops, which he Immediately did:

And declared, *That he was commanded to Accuse, and did Accuse John Arch-Bishop of York, Tho. Bishop of Durham, Joseph Bishop of Norwich, Robert Bishop of Coventry and Litchfield, John Bishop of St. Asaph, William Bishop of Bath and Wells, George Bishop of Hereford, Matthew Bishop of Ely, Robert Bishop of Oxon. Godfrey Bishop of Gloucester, John Bishop of Peterborough, and Morgan Bishop of Llandaff, in the Name of the House of Commons, and of all the Commons of England, of High Treason, for endeavouring to Subvert the Fundamental Laws of this Realm, and the Being of Parliament, by preferring this Petition and Protestation: And the House of Commons desires, that they may be forthwith Sequestred from Parliament, and forthwith Committed into safe Custody: And that a speedy Day may be given them for their Answers, and the House of Commons will be ready to make good their Charge.*

Hereupon it was Ordered, *That the 12 Bishops that are Accused of High Treason, shall be forthwith brought before this House, and committed to safe Custody.* And accordingly order was given to the Gentleman-Usher attending the House to bring them.

After which the Earl of Bath reported the Kings Answer to the Petition presented to His Majesty from both Houses, concerning the Earl of Newport, and others, viz.

My Lords and Gentlemen,

**I** *T is true that I have heard Rumors of some Proposition that should have been made at Kensington, for the seizing of the Persons of my Wife and Children. And in things of so high a Nature, it may be fit for any Prince to inquire, even where he hath no belief, nor persuasion,*



*swafion of the thing; so I have asked Newport some Questions concerning that Busineß, but far from that way of expressing a belief of the thing, which Newport hath had the boldness and confidence to affirm, which I could easily make appear, but that I think it beneath me, to contest with any particular Person. But let this suffice, that I assure you, I neither did nor do give credit to any such Rumor: As for telling the Name of him who informed Me, I do stick to the Answer which I gave to your last Petition upon the like particular.*

Decemb.  
1641.

After the Reading of this it was Ordered, *That a Copy of this Answer be sent to the House of Commons.*

The Bill for pressing of Marriners, &c. was read a third time in the Lords House, and being put to the Question, it was consented to, for to pass as a Law.

Bill for pressing Marriners passed the Lords House. Report of the Conference with the Commons about the safety of the Kingdom.

After which the Lord Keeper Reported the Conference with the Commons, touching the safety of the Kingdom: *That Testerday the House of Commons sent up a Message to their Lordships, wherein they Expressed their Fears of the ill Consequences which will happen by the many disorders and assaults made upon the King's Subjects, to the Violation of their Liberties and Peace, going to, and returning from the Parliament: for preventing whereof, and for the securing of the Parliament they desired that their Lordships would joyn with them, to desire His Majesty that the Parliament may have such a Guard, as both Houses might confide in, that they might be commanded by the Earl of Essex; to which desire the House of Commons have yet received no Answer: They desire therefore their Lordships would take these following Reasons into Consideration by way of addition to their former.*

(1.) *The Insolent and Traiterous Petition and Protestation of the Bishops, preferred this day to their Lordships, which the House of Commons conceive they durst not dare to have done, without some Back in their Design.*

(2.) *They desire to have a Guard, because they hear that the King hath a Guard at White-Hall, as apprehending it fit. And the House of Commons conceives, that those that are Enemies to the King, are likewise Enemies to the Parliament, and those that are Enemies to the Parliament are Enemies to the King.*

The Lords then took this Message into Consideration, and Debated, *Whether this House should recede upon these further Reasons, from the Vote given last night concerning the Guards.*

And it was Resolved upon the Question by the major part, *That this House thinks it not fit upon such Reasons as have now occurred to alter at this time the Vote last night, and to joyn with the House of Commons to desire a Guard. And it was Ordered, That these two Votes be Communicated to the Commons by Serjeant Ayliff, and Serjeant Glanville.*

After which the House having notice that the Bishops that were Accused of High Treason, were attending without, the House gave directions they should be severally called in, and have their Accusation made known unto them by the Lord Keeper, and then, if they desired to speak they should be heard.

The Impeached Bishops at the Lords Bar.

First John Arch-Bishop of York was brought in by the Gentleman-Usher, and having kneeled at the Bar as a Delinquent, he was commanded to stand up, and then the Lord Keeper told him, *That the House of Commons, in their Name, and of all the Commons of England, had Accused*



Decemb.

1641.

cused him, and others of the Bishops with High Treason, for endeavouring to Subvert the Fundamental Laws of this Realm, and the Being of Parliament, by preferring their Petition, and Protestation this day to the House of Lords.

The said Arch-Bishop, desired leave of the House to Speak a few words, which the House granting, he said, *He would not at this time make any Demurrer to the Charge, as having never heard it before, but he desired their Lordships would give him leave to do as he should be advised when he came to Answer; and then he withdrew.*

The Bishop of Durham was in the same manner brought to the Bar; and the Lord Keeper repeated unto him the same Charge, and he having leave to Speak, said, *That this was the greatest Misery that ever befell him, and what he did was not with any Malicious or Treasonable Intent; but he going by chance to the Arch-Bishop of York's House about two days ago, he found some Bishops there, and the Petition Signed by many of the Bishops; and being desired to Subscribe the said Petition, he read it over, and took some Exception at it, but he was drawn to it, by their Inducements; and he did Subscribe it only to preserve his Right in Voting in Parliament; and desiring their Lordships to have pity upon him, being a Man of great Tears, he withdrew.*

And then in the same manner the Bishop of Norwich was brought to the Bar, and after he had heard his Accusation, he said, *That this was the heaviest Affliction that ever beset him; and professed it was far from his thoughts to be guilty of an Offence of so high a Nature; and confessed he Subscribed the Petition and Protestation, but he desired the rest of his Brethren the Bishops, that it might be very well considered before it was delivered; but whether it was, he knows not.*

Next the Bishop of Coventry and Litchfield was brought to the Bar after the same manner, and confessed, *He Subscribed the Petition, but craved their Lordships best Constructions, for he did it not with any Traiterous Intentions, and submitted himself to the Pleasure of this House.*

Next in the same manner the Bishop of St. Asaph was brought to the Bar, and confessed, *That he Subscribed the said Petition, but the thoughts of Treason were far from his heart, and desired their Lordships favour to him.*

The Bishop of Bath and Wells, who acknowledged, *He set his hand to the said Petition, but without any ill intent.*

The Bishop of Hereford was next, who said, *That when time was fitting, he would make his humble Answer to his Charge, but desired to say nothing for the present.*

The Bishop of Ely was the next, who made this short and discreet Answer, *He desired their Lordships would excuse him for Speaking now, lest he should do himself more hurt by Speaking then by Silence.*

The Bishop of Oxon, who confessed, *He set his hand to the Petition, but his Offence is through Ignorance, and therein Craves their Lordships Compassion.*

Then the Bishop of Gloucester, who confessed, *He set his hand to the Petition, but that he was one of the last that Subscribed it, which he professed was not done with any Traiterous intent, but through Ignorance, and Submitted himself humbly to the Wisdom of the House.*

The Bishop of Peterborough, answered, *That he did set his hand to the Petition, but he never had any such ill intent as is Expressed in the Charge, but what is done is through Ignorance; and he Submitted himself to their Lordships Pleasure.*

The



The Bishop of Landaff being not now to be met with, was ordered to be brought to Morrrw.

Then it was Ordered, *That the Bishop of Durham, and the Bishop of Coventry and Litchfield, shall forthwith be Committed to the safe Custody of the Gentleman Usher attending this House; and the rest of the Bishops, now accused of Treason, shall be forthwith Committed to the Tower of London, there to remain until the further pleasure of this House be known.*

It was also Ordered, *That the said Bishops so accused, shall put in their Answer into this House to Morrow Sennight.*

The Earl of Holland reported, *That the Lords had acquainted the King with the desires of both Houses, that his Majesty would be pleased to give Warrants to the Earl of Newport, for sending Powder for the service of Ireland, and his Majesty is willing thereunto, and will give Warrants when he knows the particulars; but his Majesty desires the Parliament will take care, that Powder be made to Supply his Stores again.*

The Bishop of Winton sitting this day in the Lords House, it was Moved, *That the Petition and Protestation Exhibited this day, being in the Name of all the Bishops, that he might be put to Answer, Whether he consents, or disassents and disclaims the said Petition and Protestation, before he be suffered to sit and Vote in this House.*

Whereupon the said Bishop answered, *That he never knew of any such matter.* Hereupon the House gave him leave to read over the said Petition, and give his Answer therein, which was, *That he never read the Petition before, and he doth now utterly disclaim it.* And with this Answer the House was satisfied.

In the House of Commons besides the matters before related, Sir Hen. Mildmay Reports, *That this being the day, that the Merchant Adventurers should have given in their Answers, concerning the loan of Moneys; that they have freely condescended to lend 30000 l. upon the Security of an Ordinance of Parliament, till an Act of Parliament can pass.* Whereupon Sir Hen. Mildmay and Sir Thom. Barrington were appointed to prepare an Ordinance of Parliament for their Security, and present it to the House.

It was Ordered, *That this 30000 l. now borrowed of the Merchant Adventurers shall be kept together Entire, and not disposed of, till the Scotch Propositions be agreed upon, either for their Rejection or Entertainment.*

Then the Propositions from the Scotch Commissioners were read, and then particularly handled one by one, and it was

Resolved, &c. *That this House is of Opinion, that some Maritime Towns in the North of Ireland, shall be put into the hands of the Scotch, to be Places for their Retreat, Magazines and Garrisons.*

Resolved, &c. *That this House is of Opinion, that the Towns to be put into the hands of the Scotch as aforesaid, be the Town and Castle of Carrick-Fergus and Colragne.* Ordered, *That the Commissioners appointed to treat with the Scotch Commissioners shall treat with them; that those English Forces, that shall be Employed in Ulster, may repair to those Towns upon occasion.*

Resolved, &c. *That this House is of Opinion, that those Towns shall remain in the Scotch hands, until the War shall end, or that they shall be discharged of that Service.*

December,  
1641.

The Bishops Committed, Durham and Coventry to the Black Rod, the rest to the Tower.

Bishop of Winton Disclaims the Protestation of the Bishops.

30000 l. Borrowed of Merchant Adventurers for Ireland.

The Scotch Propositions Voted.



Decemb.

1641.

Friday,  
Decemb. 31.

Bishop of Landaff sent to the Tower.

A Message from the Commons to revive the Bill against Bishops Votes in the House of Lords.

Then the Votes of the Lords before Ordered to be Communicated to the Commons were read, and the Commons resolving to push forward the Bill against the Bishops upon this occasion, took it very patiently at this time, that they refused to joyn with them to Petition the King for a Guard, only it was Resolved, &c. *That Sir Robert Pye, Mr. Glyn, and Mr. Wheeler, Justices of the Peace for the City of Westminster, shall take care that good Watches sufficiently Armed, shall be set in such convenient Places as shall be necessary for the safeguard of the House.* It was also Ordered, *That Mr. Wheeler do take Care for the providing of 20. Halberts for the Service of this House.*

This day the Bishop of Landaff was brought to the Bar in the same manner the rest of the Bishops had been before, and after he had heard his Accusation of *High Treason*, he said, *That on Wednesday last one came to him with the Petition about Four of the Clock in the Afternoon, and he only read the beginning of it, and found fault with the Word, Whatsoever; but he blamed his own Indiscretion, that he did not read it all, and there being eight hands Subscribed before him, and such as were his Ancients, who he thought had understood themselves better, then to commit an Offence of so High a Nature; he confessed he set his hand thereunto likewise; but he said he would plead nothing but Ignorance, and Indiscretion, that he read not the Petition over; and professed, that he had no Intention to overthrow the Fundamental Laws of this Realm; nor to commit any of the other Offences he is Accused of; Therefore desired he might not feel the Weight of their Lordships Justice but Mercy, and desired that he might be Bailed upon good Security.*

The House taking this into Consideration, Ordered, *That the Bishop of Landaff, shall be forthwith committed to the Tower of London, there to remain, until the pleasure of this House be further known.*

The House then took the Propositions of the Commons concerning the Province of *Munster* into Consideration, which being read, and debated, were agreed to in every particular, and the Duke of *Richmond*, Lo. Chamberlain, E. *Bristol* and E. of *Newport* were ordered presently to attend the King, and move him from both Houses, concerning the 1. 3. 7. and 11th Articles of the aforesaid Propositions.

The Commons thinking it now to be the most seasonable Opportunity to strike while the Iron was hot, did one of the first things they did this Day, Vote to send up a Message to the Lords, to remind them of the Bill against the Bishops Votes; and accordingly Mr. *Peard* brought up a Message from the Commons, to let their Lordships know, *That whereas divers Months ago the House of Commons sent up a Bill for the taking away the Votes of the Bishops out of this House, the House of Commons conceive, That in regard of the many other businesses, their Lordships have not yet taken it into Consideration. They desire their Lordships to take the same into Consideration with Expedition, because they conceive it to be a Matter of great Concernment.*

The Answer was, *That their Lordships will take the same into Consideration in convenient time.*

The Lords that went to move the King concerning the Propositions touching *Munster*, reported, *That the King returns this Answer for the present, that there shall be no delay in the Business, but that he will speak with the E. of Newport Master of the Ordnance, concerning the Stores, and accordingly will give Warrant for Transporting of the Ammunition as is desired.*

Memorandum



Memorandum, *That this House intends to have a Conference with the House of Commons on Munday next, about setting of Armourers on work to make new Arms for supplying the King's Stores, and likewise about the preservation of Salt-Peter Mines, and Provisions of Powder.*

Decemb.  
1641.

In the Commons House, the Lords having by Messengers given the Commons an Account of the Commitment of the Bishops, Mr. Wheeler, Mr. Glyn, Mr. White, Mr. Bridgman, Mr. Hill, Serjeant Wild, Mr. Rigby, Mr. Ellis, Mr. Peard, were appointed a Committee, or any three of them to meet at such time, as they shall think fit to consider of the Impeachment, already made by the House of the 12 Bishops, and whether it be needful to add any thing more to it, and which way will be best for the House, to proceed in, to bring them to a suddain Trial.

Then Mr. Hollis, Sir Henry Mildmay, Sir John Holland, Sir Sydney Mountague, Sir Christopher Wray, Lo. Cranborn and Mr. Herbert Price, were appointed to wait upon the King from this House, and to represent unto his Majesty the grounds of our Fears, and to desire, *That this House may have a Guard of the Trained Bands of the City of London, under the Command of the Earl of Essex; and Mr. Hollis is to deliver this Message.*

A Committee  
to wait upon  
the King for a  
Guard.

It seems there were at this time Drums beat up for Volunteers for Ireland, of which the Commons being informed, who were resolved to Ingross the whole Affair into their own Hands, immediately Mr. Rigby, Sir Arthur Haslerig, Sir Thomas Barrington, Sir Walter Earl, Mr. Wheeler, Mr. Glyn, Mr. Bosvile, Mr. Darley, Sir Robert Pye, Mr. Whittaker, Sir Gilbert Gerrard, Sir John Franklin, Mr. Purfrey, and the Citizens for London, or any four of them, were appointed to be a Committee, to make Inquiry by what Warrant the Drums for Volunteers do beat up, and Men are raised; and to inform themselves what Numbers are levied; and to tender the Oaths of Allegiance and Supremacy; and to send for Constables, Officers and other Persons whatsoever, and for Commissions and Writings, and are to meet when and where they please.

Mr. Hollis Reports, *That he obeyed the Commands of this House; That his Majesty gave this Answer, That he did desire to give a speedy Answer to any thing that imports the House of Commons, but said, he could not remember what was delivered, it consisting of so many Particulars, and therefore desired to have it in Writing: And he further said, That we were called here to sit by his Majesties Writ, and were under his Safety, and that should tender us as his Children.* Upon this Mr. Price and Sir Henry Mildmay were ordered to carry this Message for a Guard in Writing, and to acquaint his Majesty, *That though the House hath adjourned it self till Munday next, yet they have left Power with Mr. Speaker, to receive such Answer, as his Majesty shall please to send to the said Message.* And Mr. Hollis, Mr. Pym, Sir Samuel Luke, Mr. Rigby, Mr. Wheeler, Sir Walter Earl, Sir Thomas Barrington, Mr. Strode, Sir William Litton, Mr. Glyn, Mr. Long and Lo. Cranborne, were appointed to be a Committee, to consider of such Answer, as his Majesty shall please to send to the Message of the House concerning a Guard; and if his Majesty shall not vouchsafe to send any, to consider, what then shall be fit to be done; for the Safety of the King and Kingdom, and Mr. Speaker to have power to receive his Majesties Answer, and send it to the Committee.

Then Mr. Hollis presented in Writing the Message, which he had formerly delivered, which was read and Voted, and was in these Words.

K k k k k 2

Most



Decemb.

1641.

The Message  
of the Com-  
mons to the  
King concern-  
ing a Guard.

Most Gracious Sovereign,

**W**E are sent by the Knights, Citizens and Burgeses of the House of Commons, your Majestie's faithful and Loyal Subjects, who are ready to lay down their Lives and Fortunes, and spend the last drop of their Blood, to maintain your Crown and Royal Person in Greatness and Glory; and do by us cast themselves down at your Royal Feet, to present unto your Majesty their humble Desires, upon their great Apprehensions, and just Fears of mischievous Designs and Practises to Ruin and Destroy them: there have been several Attempts heretofore, to bring Destruction upon their whole Body at once, and Threats and Menaces against particular Persons. There are a malignant Party, bitterly invenomed against them, daily gathering Strength and Confidence, and now come to such height as they have given boldness to some, to embroe their Hands in the Blood of your Subjects, in the Face, and at the Door of the Parliament, and at your Majesties own Gates, and have given out Insolent and Menacing Speeches against the Parliament it self. This causes great Distractions among the People in general, and much Fear and Apprehensions in the House of Commons; That they conceive they cannot with the Safety of their Persons, upon which the Safety and Peace of the whole Kingdom doth now depend, sit any longer unarmed and unguarded as they are; They have therefore their recourse unto your Majesty, most humbly beseeching you, that it may stand with your good liking, if they provide for their own Safety, which the very Law of Nature and Reason doth allow unto them.

It is their Humble Desire, That they may have a Guard out of the City of London, commanded by the Earl of Essex, Lord Chamberlain of your Majesties Household, of whose Fidelity to your Majesty, and the Commonwealth, they have had long Experience. By this your Majesties Grace and Favor, you will remove their Fears, fill them with Comfort and Assurance, and enable them to serve your Majesty in such a Way, as shall render your Majesty and your Government happy and glorious. And to this they do most humbly desire your Majesties gracious and speedy Answer, because their Safety and the Safety of the whole Kingdom depends upon it, and will not admit of any delay.

Pity it is, that so curious a Skin should always cover the Serpent, and that mortal Poison should dwell in a Golden Vial. Certainly never Men that meant so ill, knew better how to speak so well, and if ever drawn Swords were artificially concealed in the soft Scabberd of tender and oily Words, it was when these People courted the King most zealously in hopes of being denied; for they ever crept lowest, when they aimed most at the Throat of Royalty. They had raised all the Tumults and Uproars, as is most Evident, and were themselves guilty of the Disorders; they refused to joyn with the Lords in a Legal Way, by Proclamation, and the Laws to suppress them; punished the Officers, and turned off the Guards appointed legally to keep the Peace; and now unless the King will grant them a Guard, all this must be placed to his Majesties Accounts, and the Rabble be excited to affront him and force him from *White-Hall*, which was what they longed to be at, as hereafter we shall see.

However his Majesty returned this Gracious Answer to their Message, which might have abundantly satisfied them, if they had not been  
before-



beforehand resolved not to be satisfied with any Answer which his Majesty could in Honor give, or good Subjects in Reason expect.

Decemb.  
1641.

**W**E have taken the last Message from you, touching your desire of a Guard, into serious Consideration, and truly with great grief of heart, that after a whole Tears sitting of this Parliament, wherein you have obtained those things, for the happiness and security of your selves, and the rest of Our Subjects, as no Age can equall, instead of reaping in Peace and Tranquility the fruits of your Labours, and of Our Grace and Affection to Our People, We should find Jealousies, Distrusts and Fears, still so prevalent amongst you, as to induce you to declare them unto Us in so high a measure, as you have done at this time.

The King's Answer to the Message concerning a Guard.

We are wholly ignorant of the grounds of your Apprehensions, but this We do protest, before Almighty God, to whom We must be accountable for those whom he hath intrusted to our Care and Protection, that had We any knowledge or belief of the least Design in any, of violence, either formerly, or at this time, against you, We would pursue them to condign punishment, with the same Severity and Detestation, that We would do the greatest attempt upon Our Crown.

We know the Duty of that place where God hath set Us, the Protection We ow to all Our Loyal Subjects, and most particularly to you called to Our Service by Our Writs; and We do engage unto you Solemnly the Word of a King, that the Security of all and every one of you from violence, is, and shall ever be, as much Our Care as the preservation of Us and Our Children.

And if this general Assurance shall not suffice to remove your apprehensions, We will Command such a Guard to wait upon you, as We will be responsible for, to him who hath incharged Us with the Safety and Protection of Our Subjects.

White-Hall, Jan. 3d.

The Insolency of the Tumults was inexpressible, insomuch that several young brisk Gentlemen of the Inns of Court, came and voluntarily offered themselves to his Majesty at *White-Hall*, to Guard his Person from the Rabble, whose deportment was so unsufferable, that 'tis a Miracle no more mischief came of it; but such was his Majesties tenderness and caution, that he would not permit these young Gentlemen so much as to Exasperate that Rude Crew, but having given them thanks for the offer of their Service, and ordered them to be handsomly entertained at Tables provided for them, they were dismissed: Though afterwards a great noise, and a Plot was made of drawing these young Gentlemen into a Design to do some strange things.

But though his Majesty thought not fit to make Use of their Assistance; yet he sent to the Lord Mayor to call a Court of Aldermen and Common-Council, and to propose to the City the care of Suppressing these Tumultuary Assemblies; an account of which Court and proceedings was as follows.

A Common-Council held at *Guild-Hall* in the City of *London*, the One and Thirtieth of December, 1641.

*Commune Concilium tent' in Camera Guild-Hall Civit' London' Tricesimo primo die Decemb. 1641, post Meridiem. Anno Reg' Dom' nostri Caroli*

Proceedings at a Court of Aldermen and Common-Council, upon a Message from the King by L. Newburgh, concerning Tumults, Dec. 31. 1641.



Decemb.  
1641.

*Caroli nunc Regis Angliæ, &c. decimo septimo, coram Richardo Gurney Milite & Baronetto, Majore Civit. London. Tho. Garnier Milite ejusdem Civit. Record. Ed. Bromfeild Milit. & Ed. Wright Mil. & Alderm. di-ctæ Civit. Johan. Cordell, Mill. Joh. Gayer Mil. Jacobo Gerrard Mil. ac Alderm. Tho. Atkin Alderm. Joh. Wallaston Mil. & Alderm. Tho. Adams, Jo. Warner, Jo. Towse Abrah. Reynardson & Tho. Austin Pre-dict. Civit. Alderm. ac Georgio Garret, & Georgio Clarke Mil. & Alderm. ac vicecom. Civit. Prædict. necnon majore parte Conciliariorum de Com. Concilio ejusdem Civitat. tunc & ibidem assemblat.*

At this Common-Council Mr. Recorder declared, *That by the direction of the Right Honourable the Lord Major, he was to signifie to them the cause of their now Assembly, how that his Lordship had yesterday received a Letter from Sir Edward Nicholas Knight, one of his Majesties principal Secretaries of State, intimating, that it was his Majesties pleasure, his Lordship should call a Common-Council against this time, and then his Lordship should be advertised of his Majesties further pleasure, and that there was now at this present in the Council Chamber an Honourable Person, being the Lord Newburgh, Chancellor of his Majesties Court of the Dutchy, and one of his Majesties most Honourable Privy-Council, come hither to deliver his Mes-sage to this Court: And thereupon the Right Honourable the Lord Newburgh was desired to come into this Court, who being here declared and said in this manner: Gentlemen, his Majesty out of his good affection towards the City, and acknowledging of your great Loves lately shewed unto his Highness, hath sent me with a Message to you, assuring it to be the same contained in a Paper, which he presented, and desired to be read to this Common-Council, which was accordingly done, the Tenor whereof followeth in these words.*

**T**Here having been of late many Tumultuary and Riotous Assemblies of people about our Palaces of White-hall and Westminster, to the great disturbance of us and our Parliament: and we having received Information, that some ill-affected persons do still endeavour to incite the like Tumults again, we have thought fit to recom-mend to your especial care the preventing them as far as in you lies, especially the ensu-ing Holy-days, at which the idleness of many may make them apter to such disorders. We have thought fit likewise to let you know, that we are so well assured of the good af-fections of our City of London, by the great expressions which it hath made unto us of late, that we can in no wise understand it to have any share in the fault of these Tu-mults and Distempers, but that they proceed meerly from the mean and unruly people of the Suburbs. And as we are most confident of the hearts and good affections of our City of London towards us and our Government, and will not entertain any other opinion; so we do desire them not to be disturbed by any jealousies that ill-affected persons may en-deavour to sow, but to rest most confident and assured, that the Safety, the Protection, and the Prosperity of the City shall ever be with us a principal care.

After the reading of which most Gracious Message, whereby is fully manife-sted and expressed his Majesties Gracious Goodness, and great care for the safety and prosperity of this City (the Lord Newburgh having withdrawn himself) this Common-Council took the same into their serious consideration, and how for the present to return by this Honourable Person unto his Majesty an Answer with all humility and thankfulness; and after much debate, it was fully agreed and resolved of by this Common-Council, That in the first place should be re-turned and rendred unto his Majesty from this Common-Council, as the Re-presentative Body of the whole City, their humble duty in all thankful manner, for his goodness and gracious love and care manifested to this City.

Secondly, That it should be signified unto his Majesty, this Court, nor any particular Member thereof, hath had any hand in these Tumultuous and Rio-tous proceedings, and that they, and every of them do disavow and disclaim the same.

Thirdly, That it may be likewise signified, That this Court (as the Repre-sentative Body of the whole City) doth promise from hence-forth their best en-deavours to prevent and suppress in time to come (as far as in them lyeth)

all



all such, or the like Tumultuous Assemblies, and all Mutinous and Rebellious persons.

And lastly, That the humble desire of this Court may be presented unto his Majesty, to be graciously pleased, that all the Delinquents and Causers of these Tumults, whatsoever they be, being apprehended, may be brought into Examination, and receive condign punishment according to the Law.

And these four things thus agreed upon were by direction of this Common-Council here openly declared and delivered by the Mouth of Master Recorder, unto that Honourable Person the Lord *Newburgh* here present, with desire that the same should be by his Lordship accordingly presented unto his Majesty, the which he promised to perform with trust.

And afterwards this Court entred into further consultation and debate touching the Tumultuous and Riotous Assemblies lately spread night and day in several parts of this City, to the great trouble and affrightment of his Majesties good Subjects, and also touching the great neglect of that due respect which ought to be given by the Inhabitants of this City, to the several Precepts lately issued out by my Lord Major for a continual Watch and Ward, day and night for prevention and suppression of such Tumults and Distempers.

And likewise touching the great neglect in appearance of the Trained Bands of this City to their Colours at the beat of the Drum, especially in these times of danger, in contempt of Authority, being a matter of exceeding great consequence, and not fit to be suffered. And thereupon this Common-Council Taking much to heart, that such disobedience should grow and be found in the Inhabitants of this City, to the great disrespect of Magistracy and Contempt of Government; And that such Disorders and Tumultuary Assemblies should be permitted in such a City as this, formerly famous for the good and quiet Government thereof, hath thought it very expedient and behoveful, for redress and remedy to be had in these abuses, being not fit to be any longer endured, That every Member of the Common-Council now Assembled, shall in their several Precincts spread it abroad, and make it known, That if any person, or persons, shall from hence-forth neglect his duty and service to be performed, as aforesaid, and shall not do his best endeavour to suppress, or prevent any Tumults, or Riotous Assemblies, that shall hereafter be attempted within this City, or Liberties thereof, that then he or they offending, shall receive condign punishment according to his or their demerits.

And it is further thought fit, and so agreed by this Common-Council, that my Lord Major may send out his Precepts in such manner, and to such purpose, as his Lordship, and his Brethren the Aldermen, shall think fit, for Watch and Ward, raising of Arms, or otherwise, for the safety and preservation of this City; to which this Court, and all the Members thereof, promise all due and cheerful obedience.

And that Posterity may see his Majesty had great reason for what he did, I will present the Reader with one of those Sheets then Printed giving an account of the Rudeness and Insolence of the Rabble, from whence thõ written as partially as may be, and in favour of them, yet it will be easie to observe both theirs and the Calumniating temper of the Parliamentarian Scriblers of that Age, who made all men Atheists and Papists that were not Seditious Rebels. The Paper is in these words.

**T**HE Apprentices waiting there days at the Parliament House, without giving affront or ill Language to any; they did only with a full consent, Cry down Bishops and Popish Lords.

But coming scattering home by slender Companies, were set upon by divers Cavaliers, who did cut many and misused most with base Language, not only Apprentices but Men of good Rank and Quality (calling them Ram-headed Rogues) to the great disparaging and disheartning of them in their Trades and Callings; for by this means many Tradesmen have shut up Shops, and given over their Trades, because they are so abused: And the adverse Party, Papists and

Decemb.

1641.

An Act for the Tumult of the Apprentices, Dec. 31. 1641.



Decemb.

1641.

and their Adherents, greatly countenanced and encouraged; which makes them so bold and insolent, that they care not what outrages they commit against honest men of good report, and the Kings loyal and good Subjects, and without some speedy redress, and suppressing of them by the good Laws of the Land, against such as do so insolently fall upon the Kings Majesties Subjects without cause, there is like to be many thousand lives spilt and taken away.

The Apprentices being many of them committed, and the other discountenanced, made the Apprentices to swell in Blood, to the adventure of the loss of their lives, met on *Wednesday* night last, to the number of two thousand with Clubs, Swords, Halberts, and were resolved to go to the *White-Lyon*; and others cryed out, To my Lord Major's; but by the providence of God, and the grave wisdom of Captain *Ven*, they were prevented by the grave Speech that followeth.

Gentlemen, Let me intreat you to be at peace and quietness, and return every one to his own habitation, and you shall find we will be as ready to do any favour for you, and relieve you in any of your just Grievances, as you can or shall your selves, and as you shew your willingness to us, so shall we with our lives be willing and ready to help you: therefore pray depart every man to his own home in Peace, that it may not be said of you, they are rude and tumultuous, but that you may shew your selves to be discreet in all your affairs, to the advancing of the Cause you have in hand; and refer the Cause to us which will be ready to support you to our powers in all that shall be just. Then some cryed out, But what shall they do for the Brethren that were Committed by my Lord Major, and at *Westminster*, before they shall suffer we will spend all our lives. The Captain made answer, That for those that were Committed at *Westminster*, he and another was appointed by the House to release them all, and we did so the same night before we came from *Westminster*. And if my Lord Major hath committed any, I will warrant you, if you will be quiet, and take my word, they shall be released every one. And as soon as I have refreshed my self, I will go to my Lord Major, and have them discharged; but do you by no means go, but return home: So they cryed, Home, Home, Home, with a mighty noise. Then the Major part went away, but some of them remained there which would not be satisfied, but went down to the Counter in *Woodstreet*, where they were withstood by the Officers thereto belonging, with Swords and half Pikes, but some rusht in upon them, and got away one of the half Pikes from one of them, and then went up into Cheap-side again, but could not rest satisfied, but down they went again, and the door being shut against them, they brake it, and brake the Windows. After this, the Keeper of the Counter let some of them come in, and search for them in every Ward, and questioned the Prisoners whether there was any or no, but they found none there, And therefore went away.

There are many Voluntiers agoing out, but it is to be feared, that there are many of them Papists, who will be more ready to help the Papists against the King, then the King against the Papists. But I hope the Lord will defeat their designs, and bring their evil ways upon their own heads, if there be any that seeks the distruction of the Land.

*Ireland* is in a very bad estate, and in much fear and trouble of the loss of *Dublin*, but there is yet hopes if there be but present help and aid against the Rebels, which is the desire of all true Subjects, the going forward of the happy design.

Thus Courteous Reader, you have had the full occurrant of the passages, and in what a miserable estate we are brought unto by Papists and Atheists, who swarm like the Frogs of *Egypt* over the whole Land, and not likely to be swept away, till the Lord in Mercy to his People, sweep them into the Red-Sea of their own Blood, into the depth of which the Lord bring all the Enemies of his Gospel. And so I salute you with kind farewell.

The Lewdness and Licence of the times was certainly great; and among all the Arts, which wrought upon the inferior sorts of People, none did more mischief then the Liberty of the Press; from whence whole swarms of Venomous Pamphlets, Calculated exactly to the low and



and fordid Capacities of the Vulgar, flew about the City and Country, and did strangely exasperate them, especially against the Bishops, and the King for favouring of them. I do not intend to trouble the Reader with many of these foolish but mischievous Papers; but I hope I shall be pardoned if among such a heap of useful Collections, there happen to be gathered a little Chaff; and yet I cannot think even some such Papers wholly unuseful, which will contribute to give the World a true Character of all the little Arts, as well as great ones, of those Men and Times; and to shew what an Excellent Talent some People, who affected to be thought the truest of Protestants, the Godly and Well-affected Party, had, in lying and slandering; I will therefore present the Reader with a choice piece of Poetry made for a New-years-Gift for the Bishops upon their misfortune of being committed to the Tower: It wears a Title which has been tied to many a lewd Libel, and is Ycleped,

*Decemb.*  
*1641.*

*Vox Populi, in plain English.*

I.

**I**N City and Country throughout the whole Land,  
The minds of the multitude divers ways stand;  
There's some that endeavour with might and with main,  
To set the proud Prelates on Horse-back again;  
That they may make Canons and send out their Oath,  
To stablsh their Power, and dish out their \* Broth.

A Lewd Ballad against the Bishops and Common-Prayer.

\* So the Sectaries call the Liturgy by way of derision.

II.

Of this Rank there's many in every place,  
The which were created by little Laud's Grace;  
Who since are grown lofty, and now like to fall,  
Which makes them through anguish aloud for to call  
To Papists and Atheists, and all such as doth  
Love lazy proud Prelates and Luke-warm Broth.

III.

Those Fat-belly'd Priests that have Livings great store,  
If Bishops go down, they shall never have more;  
Their Journey-men Readers likewise are afraid,  
That they must be forc'd to give over their Trade,  
And wear Leather Garments instead of black Cloth,  
Which makes them love Bishops and Luke-warm Broth.

IV.

And great Men would never be counted such fools,  
As to send their Children for learning to Schools,  
But that they hoped in process of time,  
That they to the Throne of a Bishop might climb;  
And there Domineer, which fills them with wroth,  
Against such as love neither Bishops nor Broth.



Decemb.

1641.

## V.

*Another sort likewise must not be forgotten,  
Who in their main Principles seems to be rotten ;  
Supposing that Heaven stands open to all,  
That tend on their Pray'rs when the Saints Bell doth call ;  
Where instead of substance there's nothing but froth,  
Much like the proud Prelates, so is this their Broth.*

## VI.

*All these do indeavour as much as they may,  
To back the base Bishops from day unto day :  
The Papists assist them, and rather then fail,  
The Devil will help them, that he may prevail.  
It makes for his Kingdom to stand for them both,  
I mean the proud Prelates and their Common Broth.*

## VII.

*Against this rude Regiment there doth appear,  
Some Troops of couragious hearts, that will not fear  
T' encounter this Rabble, in mischief profound,  
\* Hark how they cry down with them, down to the Ground ;  
The Papists and Prelates away with them both,  
For we will have none of them, nor of their Broth.*

## VIII.

*And these are no base ones as some do suggest,  
But of the King's Subjects indeed are the best,  
Endeavouring the good both of Kingdom and State,  
Whatever Baal's Priests, and proud Prelates do prate ;  
Who for the love which they bear unto sloth,  
Do labour to hold up their Luke-warm Broth.*

## IX.

*Then let all good People take Courage indeed,  
So that they from Anti-Christ's Toak may be freed ;  
And seeing that Libertie's gain'd by the Scots,  
Let English-men seek for't, it may be their Lotts :  
Then joyn hands together, and fear not their wrath,  
But cry down the Prelates, and spew out their Broth.*

## X.

*Their pride and presumption must needs have a fall,  
Their wicked devices for Judgment doth call ;  
Their hatred of Holiness, and love of Sin,  
Will work their destruction, which now doth begin :  
Their Curbing the Gospel will kill their own growth,  
Go Toll the Bell for them, and eke for their Broth.*

Nor were they who pretended to be Poets on the other side idle, but pelted them with *Rolands* much like the others *Olivers* ; I will give the

\* The Streets  
rung again  
with these  
Gries.



the Reader but Two or Three Stanza's of a Litany, lest I surfeit him of this sort of Mechanick Wit, which yet wanted not Truth.

January,  
1641.

*From all dissembling Sep'ratists, and those  
That snuffle their unlearned Zeal in Prose,  
As if the way to Heaven was through the Nose,*

Libera nos, &c.

*From those that dare work ill in every Season,  
And are so far from Sanctity or Reason,  
They dare believe there's Piety in Treason.*

Libera nos, &c.

*From them which nothing but false Rumors Rear,  
And likewise those which lend such Men an Ear,  
Who publish for a Truth all which they hear,*

Libera nos, &c.

*From those indiff'rent Men that know no Guide,  
Who are from their Allegiance so wide,  
That come what will, they'l take the strongest side,*

Libera nos, &c.

But the number of the Malicious and Seditious Pamphlets did far exceed those that had any thing honest in them: And how trivial soever such things may appear, yet it is incredible what mischief they do, and what Impressions they make upon the credulous Vulgar; and it may be a piece of Policy not misbecoming the wisest States-men, to obviate such Arts, as seeming little, yet are of such universal dangerous influence upon the lower Ranks of People, whose hands act those mischiefs, which the more cunning heads of the Faction contrive; and I know not any one thing that more hurt the late King then the Paper Bullets of the Press; it was the Scandalous and Calumniating Ink of the Faction that from thence blackned him, and represented all his Words and Actions to the misguided People, who would difficultly have been perswaded to such a horrid Rebellion, if they had not been first prepossessed by the Tongues and the Pens of the Faction, of strange and monstrous Designs, which they said the King and his evil Councillors the Bishops and Malignants, who were all by these Pamphlets stiled Papists and Atheists, had against their Lives, Liberties, and Religion.

But I crave the Reader's pardon for this seeming digression, and now let us pursue our Voyage through this Tempestuous New Year.

The King, that the whole World might see how solicitous he was in every thing for the deplorable State of *Ireland*, which the Faction were so far from relieving in good earnest, that they were angry at the beating up of Drums for Volunteers for that Service, issued out his Royal Proclamation for the suppressing of those Rebels, as follows.

By the KING.

**W**hereas divers lewd and wicked Persons, have of late risen in Rebellion in Our Kingdom of *Ireland*; surprized divers of Our Forts and Castles, possessed themselves thereof; surprized

Vol. II.

L I I I I 2

some

A Proclamation  
for the sup-  
pressing the  
Rebellion in  
*Ireland*, Jan. 1.  
1641.



January,  
1641.

some of Our Garrisons; possessed themselves of some of Our Magazines and Munition; dispossessed many of Our Good and Loyal Subjects of the British Nation, and Protestants of their Houses and Lands; robbed and spoiled many thousands of Our good Subjects of the British Nation, and Protestants of their Goods, to great Values; Massacred Multitudes of them; imprisoned many others, and some who have the Honor to serve Us, as privy Counsellors of that Our Kingdom: We therefore having taken, the same into Our Royal consideration, and abhorring the wicked Disloyalty, and horrible Acts committed by those Persons, do hereby not only declare Our just Indignation thereof, but also do declare them, and their Adherents and Abettors, and all those who shall hereafter join with them, or commit the like Acts, on any of Our good Subjects in that Kingdom, to be Rebels and Traitors against Our Royal Person, and Enemies to Our Royal Crown of England and Ireland.

And We do hereby strictly Charge and Command all those Persons who have so presumed to rise in Arms against Us, and Our Royal Authority, which We cannot otherwise interpret, then Acts of High Rebellion, and detestable Disloyalty, when therein they spoil and destroy Our good and loyal Subjects of the British Nation, and Protestants, that they do immediately lay down their Arms, and forbear all further Acts of Hostility, wherein if they fail, We do let them know, That We have Authorized Our Justices of Ireland, and other Our Chief Governour or Governors, and General, or Lieutenant General of Our Army there, and do hereby accordingly require and authorize them, and every of them, to prosecute the said Rebels and Traitors with Fire and Sword; as Persons who by their high Disloyalty against Us, their Lawful and undoubted King and Sovereign, have made themselves unworthy of any Mercy or Favour; wherein Our said Justices, or other Chief Governour or Governors, and General or Lieutenant General of Our said Army, shall be countenanced and supported by Us, and by Our powerful Succors of Our good Subjects of England and Scotland, that so they may reduce to Obedience, those wicked Disturbers of that Peace, which by the blessing of God, that Kingdom hath so long and so happily enjoyed, under the Government of Our Royal Father and Us, and this Our Royal Pleasure, We do hereby require Our Justices, or other Chief Governour or Governors of that Our Kingdom of Ireland, to cause to be published and Proclaimed in and throughout Our said Kingdom of Ireland.

Given under Our Signet, at Our Palace at *Westminster*, the first day of *January* in the Seventeenth Year of Our Reign 1641.

God save the King.

*Monday,*  
*January 2.*

The King at his last being in *Scotland*, had gained Informations there of the secret Intrigues of the Faction, and their Contrivances to promote the Scottish Invasion and Rebellion; and that they were Meditating the same Course in *England*: And therefore this day the Lord Keeper Signified to the House of Lords, That he was commanded by the King to let their Lordships know, that his Majesty hath given Mr. Attorney General Command to Acquaint their Lordships with some Particulars from him.

Hereupon Mr. Attorney standing at the Clerks Table, said, That the King had Commanded him to tell their Lordships, that divers Great, and  
Treasonable



*Treasonable Designs and Practices against him and the State, have come to his Majesties knowledge, for which the King hath given him Command in his Name to Accuse; And did Accuse six Persons of High Treason, and other High Misdemeanors, by delivery of the Articles in Writing, which he had in his hand, which he received from his Majesty; and was Commanded to desire your Lordships to have it read: In which Articles the Persons Names, and the Heads of the Treason were contained. Which Articles were Commanded to be read, and were in these words:*

January,  
1641.

Articles of High Treason, and other High Misdemeanors against the Lord Kymbolton, Mr. Denzil Hollis, Sir Arthur Haslerigg, Mr. John Pym, Mr. John Hampden, and Mr. Will. Strode.

(I.)

**T**hat they have Traiterously endeavoured to Subvert the Fundamental Laws and Government of the Kingdom of England, to deprive the King of his Royal Power, and to place in Subjects an Arbitrary and Tyrannical Power over the Lives, Liberties and Estates of his Majesties Liege People.

Articles of High Treason against the L. Kymbolton, Mr. Denzil Hollis, &c.

(II.)

That they have Traiterously endeavoured, by many Foul Aspersions, upon his Majesty and his Government, to Alienate the Affections of his People, and to make his Majesty odious unto them.

(III.)

That they have endeavoured to draw his Majesties late Army to disobedience to his Majesties Command, and to side with them in their Traiterous Designs.

(IV.)

That they have Traiterously Invited and Encouraged a Forreign Power, to Invade his Majesties Kingdom of England.

(V.)

That they have Traiterously Endeavoured to Subvert the Rights, and very being of Parliaments.

(VI.)

That for the Compleating of their Traiterous Designs, they have endeavoured, so far as in them lay, by Force and Terror to compel the Parliament to joyn with them in their Traiterous Designs; and to that End have Actually Raised and Countenanced Tumults against the King and Parliament.

(VII.)

And they have Traiterously Conspired to Levy, and actually have Levied War against the King.

After which Mr. Attorney declared, That he was further charged to desire certain things on his Majesties behalf.

(1.) That a Select Committee of Lords may be appointed to take the Examinations of such Witnesses as the King will produce in this business, as formerly hath been done in Cases of the like Nature, according to the Justice of this House; and this Committee to be under a Command of Secresy as formerly.

(2.) And



January,  
1641

(2.) *And his Majesty Commanded him to ask Liberty to add and alter, if there should be Cause according to Justice.*

(3.) *By the like Commandement he desired, that their Lordships would take care for the securing of the Persons, as in Justice there should be Cause.*

Hereupon the Lord *Kymbolton* being present in the House, offered himself to obey whatsoever it should please this House to Impose upon him; and what course their Lordships would please to take with him, he would submit thereunto, but as he had a Publick Charge, so he desired he might have a publick Clearing.

Hereupon it was Ordered, *That this business shall be taken into Consideration by a Committee of the whole House, and to consider whether this Accusation of Mr. Attorney General of the Lord Kymbolton and others of High Treason and High Misdemeanors, be a Regular proceeding according to Law; and whether there were any such Proceedings ever before in this House; and whether an Accusation of Treason may be brought into this House by the Kings Attorney against a Peer of Parliament; and whether any Person ought to be Committed to Custody upon a general Accusation from the King, or the House of Commons, before it be reduced into Particulars.* And these Lords following were appointed Committees to peruse and consider of Presidents and Records, concerning the aforesaid Particulars, and Report the same to the House. Lord *Steward*, Lord *Chamberlain*, Earl of *Bath*, Earl of *Southampton*, Earl of *Warwick*, Earl of *Bristol*, Earl of *Holland*, Mr. *Serjeant Whitfield*, and Mr. *Serjeant Glanville*, Assistants, their Lordships, or any five of them to meet, and search Records, when and where they please.

After this a Petition of the twelve Bishops that are Impeached by the House of Commons of High Treason, was read, *Desiring that they may have Council Assigned them by this House, to advise them in their defence; and in particular; They desired these Councillors following.*

Counsel Assigned for the Bishops.

Mr. *Lane*, the Princes Attorney, Sir *Thomas Gardner*, Recorder of *London*, Mr. *Herne*, Mr. *Chute*, Mr. *Fountain*, Mr. *Hales*, Mr. *Trevor*, who were thereupon by the Lord Assigned to be of Council for the Bishops.

It was also Ordered, *That this House layes no restraint upon any Member of this House; but any Peer may go and see the Bishops in the Tower if he please.*

Then the House Ordered, *That in regard of the many Occasions at this present, the House cannot take the Propositions brought last from the Scotch Commissioners, concerning Ireland, into so speedy Consideration, as the Necessity of the Kingdom requires. That the Lords Commissioners do Treat with the Scotch Commissioners about the said Propositions, and bring them to as low Terms and Conditions as they think fit for this House to grant, and to Report the same to the House.*

The King in Prosecution of his Impeachment of the aforesaid Gentlemen of the House of Commons, had Commanded their Chambers, Studies and Trunks to be Searched; and had Issued out Warrants for their Apprehension, in order to bring them to a Fair and Legal Tryal; but this Procedure did so fire and Irritate the Faction, that they fell to Voting and out-cries of the Breach of Privilege of Parliament, as if those very Walls had been a Protection against Treason; as indeed they afterwards proved. For it was Immediately Resolved, &c. *That the several*



several Parties now Sealing up of the Trunks or Doors, or Seizing the Keyes of Mr. Pym, Mr. Hollis, or any other Members of this House, that the Serjeant shall be informed of, shall be forthwith Apprehended and brought hither as Delinquents; and that the Serjeant shall have Power to break open the Doors, and to break the Seales off from the Trunks.

Resolved, &c. That Mr. Speaker shall Issue a Warrant directed to the Serjeant at Armes, attending on this House, to the Effect of the Order abovesaid.

Resolved, &c. That if any Persons whatsoever shall come to the Lodgings of any Member of this House, and there do offer to Seal the Trunks, Doors, or Papers of any Members of this House; or to Seize upon their Persons, that then such Members shall Require the Aide of the Constable, to keep such Persons in safe Custody, till this House do give further Order; and this House doth declare, That if any Person whatsoever shall offer to Arrest or Detain the Person of any Member of this House, without first acquainting this House therewith, and receiving further Order from this House; that it is lawful for such Member, or any Person Assisting him, to stand upon his and their Guard of Defence, and to make resistance according to the Protestation, taken to defend the Priviledge of Parliament.

And Mr. Walter Long was sent up with a Message to the Lords for a Conference, by a Committee of both Houses, touching the Breach of Priviledge of Parliament; which the Lord Keeper Reported as follows.

That the House of Commons apprehended the Parliament to be the great Council, and the Representative Body of the Kingdom, and both Houses are but one Body of the Realm; the Priviledges are as the Walls and Sinews of the Parliament, which being cut, Destruction will speedily follow.

That both Houses have lately taken a Protestation for the Maintainance of their Priviledges, Persons and Goods, a High Breach whereof is at this Instant; for divers Members of the House of Commons have their Persons Assaulted, and laid in wait for, their Chambers, Studies and Trunks have been Ransacked and Sealed up; as Mr. Hollis, Mr. Pym, and Mr. Hampden: Besides, the House of Commons understands, that there are Guards of Souldiers set near the Parliament Houses, as at White-Hall; which being done without consent of the Parliament, they hold it to be a Breach of the Priviledges of Parliament: The House of Commons therefore desires their Lordships would joyn with them, in an Humble Desire to his Majesty, that the Guards at White-Hall may be removed; and that the Parliament may have such a Guard as shall be approved of by the King and both Houses of Parliament. And also the House of Commons desires their Lordships to joyn with them to Vindicate the Breaches of the Priviledges of Parliament; and if a Guard cannot be obtained, then they desire their Lordships to take into Consideration, to Adjourn to another place, where they may sit in Security.

Whereupon, it was Ordered by the Lords, That all Chambers, Studies and Trunks, that are Sealed up, or Locked belonging to Mr. Hollis, Mr. Pym, Mr. Hampden, or to any Members of Parliament, shall be forthwith unsealed and unlocked, and left to their free Use and Dispose.

And it was likewise Ordered, That this House will joyn with the House of Commons, in an humble Petition to his Majesty, to desire such a Guard as himself and both Houses of Parliament shall approve of; and the same

January,  
1641.

Votes concern-  
ing Sealing of  
Trunks, Doors,  
&c.

Conference a-  
bout Breach  
of Priviledge  
in Sealing Stu-  
dies, &c.



January,  
1641.

The King demands the five Members by a Serjeant at Arms.

is to continue so long, as the King and both Houses of Parliament shall think fit. And the Lord Steward and the Lord Chamberlain were appointed to attend the King from both Houses of Parliament, with the aforesaid Order concerning Guards, and humbly to desire his Answer therein.

In the Commons House immediately after this Conference, Mr. Francis a Serjeant at Arms sending in Notice, That he was Commanded to deliver a Message from his Majesty to Mr. Speaker, he was called in to the Bar without his Mace, and there he delivered this Message.

*I am Commanded by the Kings Majesty my Master upon my Allegiance, that I should come, and repair to the House of Commons, where Mr. Speaker is, and there to require of Mr. Speaker, five Gentlemen, Members of the House of Commons; And that these Gentlemen being delivered, I am commanded to Arrest them in his Majesties Name of High Treason; Their Names are, Mr. Hollis, Sir Arthur Haslerigg, Mr. Pym, Mr. Hampden, and Mr. William Strode.*

Whereupon, Mr. Chancellor of the Exchequer, Lord Falkland, Sir Philip Stapelton, and Sir John Hotham, were appointed to attend his Majesty, and to acquaint his Majesty, *That this Message from his Majesty is a matter of great Consequence, it concerns the Priviledge of Parliament, and therein the Priviledge of all the Commons of England; That this House will take it into Consideration, and will attend his Majesty with Answer in all Humility and Duty, with as much Speed, as the greatness of the Business will permit: And in the mean time, this House will take Care that those Gentlemen mentioned in the Message, shall be ready to Answer to any Legal Charge laid against them.* And Mr. Speaker did by Command of the House enjoin these five Members, particularly one by one, to give their attendance on this House, *de die in diem*, till the House take further Order.

But notwithstanding all their fair words, how much they intended to abide a fair and legal Tryal, a little patience will inform the Reader, for immediately Sir William Flemming and another Gentleman, who had in obedience to the Kings Warrant, Sealed up the Studies and Trunks of those five Members, were apprehended by Mr. Speakers Warrant, as Delinquents, and ordered to remain in the Serjeants Custody till further Order.

A Message was also this day sent up to the Lords by Mr. Strode, to desire their Lordships, *That whereas upon the Request of the House of Commons their Lordships have agreed with the House of Commons, that the Servants belonging to the King, Queen, Prince, or to any of the Kings Children, shall according to the Law, take the Oaths of Supremacy and Allegiance; the House of Commons desire that the Lord Keeper may be Ordered to Issue forth Writs for that purpose, to Persons of Honour, to see it done accordingly.*

Next, that their Lordships would joyn with them, to take a Course that the Colledge of Cappuchin-Friers at Sommerfet-House may be Dissolved; And lastly, That their Lordships would move his Majesty, that the seven Romish Priests Condemned in London, may be Executed according to the Laws. To which the Answer of the Lords was, *That they will take the first part of the Message into Consideration in convenient time. To the second, Their Lordships agree, and will send to move the King in it. And that they have already sent to the King concerning the Execution of the seven Priests.*

And

Message about the King, Queen, and Princes Servants taking Oaths of Supremacy, &c.



And accordingly the Lord Steward, and the Lord Chamberlain were appointed to attend the King, and move him from both Houses of Parliament, *That the Colledge of Cappuchins at Sommerfet-House may be dissolved.*

January,  
1641.

I cannot find the following Speech in the Journal, and by its being addressed to Mr. Speaker, and not to their Lordships, as is usual in Speeches made in the Lords House, I am apt to suspect, the Publisher not well versed in matters of that Nature; and that it may be a Sur-reptitious Copy. But whether it were Spoken by his Lordship or not, it was made Publick and Printed under his Name; and did all the Mis-chief a Real Speech could have done, in Exasperating the Multitude against the King, upon this Occasion; And the Bishops who were certainly to be loaded with their share of the *Obloquie*, in whatever went cross to the Faction. The Speech was thus:

*A Judicious Speech, made by the Right Honourable the Lord Kymbolton in Parliament, Jan. 3. 1641. Concerning the Articles of High Treason, exhibited against his Lordship, Sir Arthur Haslerig, Mr. Pym, Mr. Stroud, Mr. Hollis, and Mr. Hampden, by His Majesty.*

Mr. Speaker,

There hath already been so much spoken by the other Gentlemen, concerning this Accusation of High Treason, even sufficient, as I conceive, to clear us all that are Impeached, that I know not what to say more touching the same: Onely under favour give me leave, to speak what I conceive of the cause of the procuring of this Accusation, the Authors that procured it, and of the effects which I perceive will follow upon the same.

Mr. Speaker, It is not long since this Honourable House accused of High Treason the Twelve Bishops, for their Illegal and Trayterous attempt in their *Petition* and *Protestation* against the King and Parliament. These Gentlemen with my self and others, having the prosecution of that business, and other Charges of great Crimes against them committed to our Trust, did unanimously with one consent follow the same, bringing to a period our Debates and Disputes concerning their Crimes, what we conceived they were guilty of upon their several Charges, and what guilty of for framing and preferring their *Petition* and *Protestation* to His Majesty, that they were guilty of Misprision of Treason upon their former Accusations; and guilty of High Treason upon this their last design: And these our Votes and Conclusions (grounded and warranted, not only by the Common Laws of this Land, but by divers Acts of Parliament, and Presidents) we presented to the whole House for Consideration and Confirmation of the same by general Vote, with whom we again agreed by our publique Votes, and thereupon they were Impeached and Committed; This, I conceive, provoked their malice against us, and was the principal cause of this their Plot in drawing an Accusation against us for the same Crime of Treason, thereby to make us seem as vile as themselves, and to take away our Votes at their Tryal. And thus I have joyn'd together both the Cause and the Authors of this Accusation.

The Effects, I conceive, will be dangerous, and cause great Trouble in these respects:

1. In turning the Current of the Parliaments Proceedings against them upon us, by which device they shall have further time to put in practice their Plots, and bring to perfection their purposes against the Parliament.

2. That being busily imployed concerning this business, in their disputes about breach of Priviledg of Parliament in illegal accusing the Members thereof, in drawing a Declaration to his Majesty concerning the same, in appealing

The Lord  
Kymbolton's  
Speech upon  
his Impeach-  
ment, January  
3. 1641.



January,  
1641.

him, by shewing the sincerity and integrity of the Parliament toward his Majesty, and other things pertinent thereunto, this High Court may lay aside their Proceeding, and avert their Purposes, touching the *Irish* Affairs, whereby the Rebellion there may increase, and forraign Aid brought to them, to the utter losing of that Kingdom.

3. Many Fears and Troubles will arise in the Citizens concerning this Accusation, of desperate and devillish Stratagems in agitation, as well against them as the Parliament by disconsolate and disaffected persons, to the Safety and Security thereof, causing their continual Watching and Guarding by their Trained Bands, which will be to them a great Charge and Molestation.

4. It will encourage ill-affected and pernicious Cavaliers, and Commanders about Court, to attempt any mischief against both Houses of Parliament or particular Members thereof, upon the least opportunity, that shall be offered them, thinking thereby they shall do the King good service, which otherwise they dare not adventure, to put in practise.

5. And lastly, It will provoke and stir up a dislike of these designs in the Hearts of all his Majesty's Subjects, and disaffection to his Sacred Person, cause great Uproars, and Tumults of the Citizens; yea, and I fear a general Insurrection in the Kingdom, if not suddainly prevented, which God forbid.

And thus, *Master Speaker*, having nothing more to say concerning these Articles, I humbly crave of this Honourable House, That I may have Expedition in my Tryal, upon the same; and that all things done by this Wise Council, may tend to the Honour and Glory of Almighty God, the Peace and Safety of His Sacred Majesty and all his Kingdoms.

Tuesday,  
Jan. 4th.

A Message was this day brought up from the House of Commons by Sir *John Hotham* to desire a present free Conference, if it may stand with their Lordships conveniency, by a Committee of both Houses, touching the safety of the King and Kingdom, and the Privileges of both Houses of Parliament.

The Lord Keeper Reported the effect of the Conference, which was, *To move the Lords again to joyn with them, humbly to move his Majesty that the Guards at White-Hall may be discharged, and to vindicate the Priviledges of Parliament; and they do reiterate their desires of Yesterday upon these Reasons.*

(1.) *The House of Commons have received fresh Informations, that divers Gentlemen have made their Addresses to the Gentlemen of the Inns of Court, and have dealt with them to come Armed to White-Hall, when they shall be required, yet they have not condescended thereto.*

(2.) *The House of Commons have met with a scandalous Paper, as was published abroad, which contained Articles of High Treason against the Lord Kymbolton, &c. The House of Commons desires their Lordships would joyn with them to find out the Authors, and to bring them to condign punishment, for so high a breach of the Priviledges of Parliament. But nothing at this time was Resolved of.*

In the Commons House, the Lord *Faulkland* reported the King's Answer to the Message of this House delivered to his Majesty last night: *That his Majesty asked them, whether the House did expect an Answer? They replied, they had no more in Commission to say, but only to deliver the Message: The King asked them as private Persons, what they thought of it? They said, they conceived the House did expect an Answer; but his Majesty was informed the House was up, so he said he would send an Answer this Morning, as soon as this House was set; but in the mean time*

ke



he Commanded them to acquaint the House, that the Serjeant at Arms did nothing but what he had directions from himself to do.

Mr. Whittaker Reported from a Committee at Guild-Hall, That an Information was Exhibited upon Oath by one John Bricker, against Mr. Toby Wood, for Seditious and Treasonable Words; whereupon he was committed to Newgate by Order of the Committee at Guild-Hall.

Also a Vote passed, That Sir William Killegrew be forthwith sent for as a Delinquent, by the Serjeant at Arms attending on the House.

Then Mr. Smith, Mr. Ellis, Mr. Hill, Mr. Brown, and Sir Richard Vivian, were appointed to go to the several Inns of Court, and to acquaint them, That this House hath taken notice of the Practice of some Gentlemen, that have endeavoured to engage the Gentlemen of the Inns of Court to be in readiness upon all Occasions, to come down to the Court if they should be required; That this House hath sent for the Gentlemen that were with them as Delinquents; and do believe that their Crime will prove to be of an high Nature. And further to inform them, That the Parliament is, and will be upon all occasions as ready to defend his Majesties Person as any others; and they are to inform them, that the Cause of sending to them, is not any diffidence they have in them, but to advise them from any Practices that they shall be moved unto.

And that upon this occasion put the whole City into an uproar, It was Ordered, That Alderman Soams, Alderman Pennington, and Mr. Venn do repair to the Common-Council of the City of London, when they are sitting; and to acquaint them with the Information this House received, what Practices have been used to the Inns of Court; and those other Informations of the like Nature that have been given to this House, of the Preparations of Armed Men about White-Hall; and those other Preparations at the Tower: And to inform them, in what danger the Parliament, the Kingdom, and the City is in,

It was also Ordered, That Mr. Whittaker, Sir Robert Pye, and Mr. Pury do presently repair to the House of the Marquess de Neuf-ville, and see if his House be furnished with Warlike Ammunition, as the House is informed.

Memorandum, Mr. Hollis, Mr. Pym, Sir Arthur Haslerigg, Mr. Hampden, and Mr. Strode appeared to day according to the Injunction of the House.

And I find among the Prints of that time a Speech of Mr. Hampden's, upon the occasion of his Impeachment, which confirms this Memorandum, which was as followeth.

Mr. Speaker,

**I**T is a true Saying of the Wise Man, That all things happen alike to all Men, as well to the good Man as to the bad; There is no state or condition whatsoever, either of Prosperity or Adversity, but all sorts of Men are sharers in the same; no man can be discerned truly by the outward appearance, whether he be a good Subject either to his God, his Prince, or his Country, until he be tryed by the Touchstone of Loyalty: Give me leave, I beseech you, to parallel the Lives of either sort, that we may in some measure discern Truth from Falshood, and in speaking I shall simlize their Lives.

(1.) In Religion towards God. (2.) In Loyalty and due Subjection to their Sovereign; in their Affection towards the Safety of their Country.

January,  
1641.

Mr. Toby Wood  
committed to  
Newgate.

Sir Will. Kille-  
grew a Delin-  
quent.

Message to the  
Gentlemen of  
the Inns of  
Court.

Message to the  
Common-  
Council.

The 5 Mem-  
bers appear-  
ance Entred  
in the Journal.

Mr. Hampden's  
Speech in Vin-  
dication of  
himself against  
his Impeach-  
ment, Jan. 4.  
1641.



January,

1641.

(1.) Concerning Religion, the best means to discern between the True and False Religion, is, by searching the Sacred Writings of the Old and New Testament; which is of it self pure, indited by the Spirit of God, and written by Holy Men, unspotted in their Lives and Conversations; and by this Sacred Word may we prove, whether our Religion be of God or no: and by looking in this Glass, we may discern whether we are in the Right Way or no.

And looking into the same, I find that by this Truth of God, that there is but one God, one Christ, one Faith, one Religion, which is the Gospel of Christ, and the Doctrine of the Prophets and Apostles.

In these two Testaments is contained all things necessary to Salvation; if that our Religion doth hang upon this Doctrine and no other secondary Means, then it is true; to which comes nearest the Protestant Religion which we profess, as I really and verily believe, and consequently that Religion which joyneth with this Doctrine of Christ and his Apostles; the Traditions and Inventions of Men, Prayers to the Virgin *Mary*, Angels, Saints, that are Used in the Exercise of their Religion, strange and Superstitious Worshipping, cringing, bowing, creeping to the Altar, using Pictures, Dirges and such like cannot be true, but Erroneous, nay devillish; and all this is used and maintained in the Church of *Rome*, as necessary as the Scripture to Salvation; therefore is a false and Erroneous Church, both in Doctrine and Discipline, and all other Sects and Schisms, that leans not only on the Scripture, though never so contrary to the Church of *Rome*, is a false worshipping of God, and not the true Religion. And thus much concerning Religion, to discern the truth and falshood thereof.

(2.) I come now, *Mr. Speaker*, to the second thing intimated unto you, which was how to discern in a state between good Subjects and bad, by their Loyalty and due Subjection to their Lawful Sovereign; in which I shall, under favour, observe two things.

(1.) Lawful Subjection to a King in his own Person, and the Commands, Edicts, and Proclamations of the Prince and his Privy Council.

(2.) Lawful Obedience to the Laws, Statutes and Ordinances made, Enacted by the King and the Lords, with the Free Consent of his Great Council of State assembled in Parliament.

For the First; To deny a willing and dutiful Obedience to a Lawful Sovereign and his Privy Council, (for as *Cambden* truly saith, *The Commands of the Lords, Privy Councillors, and the Edicts of the Prince is all one, for they are inseparable, the one never without the other,*) either to defend his Royal Person and Kingdoms against the Enemies of the same, either publique or private; or to defend the Antient Priviledges and Prerogatives of the King, pertaining and belonging of Right to his Royal Crown, and the mainterance of his Honor and Dignity; or to defend and maintain true Religion Established in the Land, according to the truth of God, is one sign of an Evil and Bad Subject.

Secondly, To yield Obedience to the Commands of a King, if against the true Religion, against the Ancient and Fundamental Laws of the Land, is another sign of an ill Subject.

Thirdly, To resist the Lawful Power of the King, to raise Insurrection against the King, admit him adverse in his Religion, to Conspire against his Sacred Person, or any wayes to Rebel, tho Commanding things against our Consciences in Exercising Religion, or against the Rights and Priviledges of the Subject, is an absolute sign of a Disaffected and Trayterous Subject.

And now having given the Signs of discerning Evil and Disloyal Subjects, I shall only give you in a word or two, the Signs of discerning which are Loyal and Good Subjects, only by turning these Three Signs already shewed, on the contrary side.

(1.) He that willingly and chearfully endeavoureth himself to obey his Sovereign's Commands for the Defence of his own Person and Kingdoms, for the Defence of True Religion, for the Defence of the Laws of his Country, is a Loyal and good Subject.

(2.) To deny Obedience to a King commanding any thing against Gods true Worship and Religion, against the Ancient and Fundamental Laws of the Land, in endeavouring to perform the same, is a good Subject.

(3.) Not



January,  
1641.

(3.) Not to resist the Lawful and Royal Power of the King, to raise Sedition or Insurrection against his Person, or to set Division between the King and his good Subjects by Rebellion, although commanding things against Conscience in the Exercise of Religion, or against the Rights and Priviledges of the Subject, but patiently for the same to undergo his Prince's Displeasure, whether it be to his Imprisonment, Confiscation of Goods, Banishment or any other Punishment whatsoever without Murmuring, Grudging or Reviling against his Sovereign or his Proceedings, but submitting willingly and chearfully himself and his Cause to Almighty God, is the only sign of an Obedient and Loyal Subject.

I come now to the Second Means to know the difference between a good Subject and a bad, by their Obedience to the Laws, Statutes and Ordinances made by the King with the whole consent of his Parliament. And in this I observe a twofold Subjection in the particular Members thereof, dissenting from the General Votes of the whole Parliament. And 2<sup>ly</sup>, the whole state of the Kingdom to a full Parliament.

First I confess, If any particular Member of a Parliament, although his Judgment and Vote be contrary, do not willingly submit to the rest, he is an ill Subject to the King and Country.

Secondly, To resist the Ordinance of the whole State of the Kingdom, either by stirring up a dislike in the Hearts of his Majesties Subjects of the Proceedings of the Parliament, to endeavour by levying of Arms to compel the King and Parliament to make such Laws as seem best to them; to deny the Power, Authority, and Priviledges of Parliament; to cast Aspersions upon the same, and Proceedings, thereby inducing the King to think ill of the same, and to be incensed against the same; to procure the untimely Dissolution and Breaking off of the Parliament before all things be settled by the same, for the Safety and Tranquillity both of King and State, is an apparent sign of a Trayterous and Disloyal Subject against his King and Country.

And thus having troubled your Patience, in shewing the difference between true Protestants and false, Loyal Subjects and Traytors, in a State or Kingdom, and the means how to discern them, I humbly desire my Actions may be compared with either, both as I am a Subject, Protestant, and Native in this Country, and as I am a Member of this present and happy Parliament; and as I shall be found guilty upon these Articles Exhibited against my self and the other Gentlemen, either a bad or a good Subject, to my Gracious Sovereign and Native Country, to receive such Sentence upon the same, as by this Honourable House shall be conceived to agree with Law and Justice.

It is prodigious to see with what Confidence some Persons durst appeal to God and Man, and certainly *ex ore tuo*, may most truly be applied to this unhappy Gentleman, who by his future Actions. upon his own declared Principles, proved himself to be that ill and disloyal Subject, whom he doth here take such Pains to delineate; nor is it less remarkable, that as he was one of the first, who was in Actual Hostility against the King, so contrary to his own avowed Declaration here, so was he one of the first, who fell in that unnatural Rebellion, receiving his mortal Wound, in a Skirmish near *Chinner* in *Bucks*, upon the same Turf, where he had assembled the County to frame those Petitions, which first led the Nation into Sedition, and afterwards into down right Rebellion: from whence Posterity may learn, what little Credit is to be given to the deepest Protestations of Loyalty, and Asseverations of Innocence of such Persons, whose Guilt has driven to despair of any other Security from the Punishment of their ill Actions, but what is to be hoped from doing Worse; and that the Professions of Loyalty in such Cases, are but purely to palliate and hide their Guilt from the view of the World,



January,  
1641.

World, and to avoid the horrid Imputation of Treason, a Crime which because it is naturally destructive of humane Society, is universally the hatred of Mankind.

Mr. Brown, who was one of those sent to the Gentlemen of the Inns of Court, Reports from the Gentlemen of *Lincolns-Inn*, That they went to the Court first upon a general Report, that his Majesties Person was in danger.

This Afternoon his Majesty came in Person to the House of Commons, and having Seated himself in the Speaker's Chair, he spake as followeth.

Gentlemen,

I Am sorry for this occasion of coming unto you : Yesterday I sent a Serjeant at Arms upon a very important occasion, to apprehend some that by My Command were Accused of High Treason ; whereunto I did expect Obedience, and not a Message. And I must declare unto you here, That albeit no King that ever was in England shall be more careful of your Priviledges, to maintain them to the utmost of His Power, then I shall be ; yet you must know, that in Cases of Treason, no Person hath a Priviledge : And therefore I am come to know if any of those Persons that were Accused are here.

For I must tell you, Gentlemen, That so long as those Persons that I have Accused ( for no slight Crime, but for Treason ) are here, I cannot expect that this House can be in the right way that I do heartily wish it : Therefore I am come to tell you, that I must have them wheresoever I find them.

Well, since I see all the Birds are flown, I do expect from you, that you shall send them unto Me, as soon as they return hither. But I assure you in the Word of a King, I never did intend any force, but shall proceed against them in a Legal and fair way, for I never meant any other.

And now since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, That whatsoever I have done in favour, and to the good of My Subjects, I do mean to maintain it.

I will trouble you no more, but tell you, I do expect, as soon as they do come to the House you will send them to Me ; otherwise I must take My Own course to find them.

So soon as his Majesty was gone, the Faction in the House was all in a flame ; and after the heats were a little over, it was Resolved upon the Question, That this House shall Adjourn it self till to morrow at One of the Clock.

There was not any one Action of which the Faction made greater advantage, then this of his Majesties coming to the House in Person to demand the five Members ; the Faction blew the whole Nation into a blaze, with their Out-cries upon it, and it did not escape odd Interpretations, even from those who professed themselves his Friends. It is but just therefore that we should hear his Justification, which I cannot give the Reader better then from his own Incomparable Pen. Which therefore take as follows.

My

The King's  
Speech in the  
House of Com-  
mons concern-  
ing the five  
Members,  
Jan. 4, 1641.



January,  
1641.

*Εἰς τὴν Βασιλικὴν*, upon his Majesties going to the H. of Commons, to demand the five Members.

“ MY going to the House of Commons to demand Justice upon the five Members, was an Act which my Enemies loaded with all the Obloquies and Exasperations they could; it filled indifferent Men with Jealousies and Fears; yea, and many of my Friends resented it, as a Motion rising rather from Passion then Reason, and not guided with such discretion as the touchiness of those times required: But these Men knew not the just Motives and pregnant Grounds, with which I thought my self so furnished, that there needed nothing to such Evidence as I could have produced against those I charged, save only a free and Legal Tryal, which was all I desired.

“ Nor had I any Temptation of displeasure or revenge against those Mens persons, further then I had discovered those, as I thought, unlawful Correspondencies, they had used, and engagements they had made, to embroil my Kingdoms: of all which, I missed but little to have produced Writings under some Mens own hands, who were the chief Contrivers of the following Innovations: Providence would not have it so; yet I wanted not such Probabilities as were sufficient to raise Jealousies in any King's heart, who is not wholly stupid, and neglective of the Publick Peace, which to preserve by calling half a Dozen Men in a fair and Legal way, which God knows was all My design, could have amounted to no worse Effect, had it succeeded, then either to do Me and My Kingdom Right, in case they had been found Guilty, or else to have cleared their Innocency, and removed My Suspicions, which as they were not raised out of any Malice, so neither were they in reason to be smothered.

“ What flames of Discontent this spark, though I fought by all speedy and possible means to quench it, soon kindled, all the World is Witness; the Aspersions which some Men cast upon that Action, as if I had designed by force to assault the House of Commons, and invade their Priviledge, is so false, that as God best knows, I had no such intent; so none that attended Me, could justly gather from any thing I then said or did, the least intimation of any such thoughts.

“ That I went attended with some Gentlemen, as it was no unwonted thing for the Majesty and Safety of a King, so to be attended, especially in discontented times; so were my followers at that time short of My ordinary Guard, and no way proportionable to hazard a Tumultuary conflict: Nor were they more scared at my coming, then I was unassured of not having some affronts cast upon Me, if I had none with Me to preserve a Reverence to Me: For many People had (at that time) learn'd to think those hard thoughts, which they have since abundantly vented against Me, both by Words and Deeds.

“ The Sum of that business was this; Those Men and their adherents, were then looked upon by the affrighted Vulgar, as greater Protectors of their Laws and Liberties then My Self; and so worthier of their Protection: I leave them to God and their own Consciences, who if guilty of evil Machinations, no present Impunity, or Popular Vindication of them, will be Subterfuge sufficient to rescue them from those Exact Tribunals; to which, in the obstructions of Justice among Men, we must Religiously appeal, as being an Argument to us Christians, of that after unavoidable Judgment, which shall rejudge what among Men is but corruptly decided, or not at all.

I en-



January,  
1641.

" I endeavoured to have prevented, if God had seen fit, those future  
" Commotions which I foresaw, would in all likelihood follow some  
" Mens activity, if not restrained, and so now hath done, to the un-  
" doing of so many thousands, the more is the Pity : But to over-  
" aw the freedom of the Houses, or to weaken their just Authority,  
" by any violent impressions upon them, was not at all My Design ;  
" I thought I had so much Justice and Reason on My side, as should  
" not have needed so rough assistance ; and I was resolved rather to  
" bear the Repulse with Patience, then to use such hazardous Extremi-  
" ties. So far the Royal Martyr.

This day in the Forenoon, as I have it in one of the printed Diurnals, which I give in the Writers own Words, his Majesty went to the *Guild-Hall* attended with divers of the Nobility, and there demanded likewise his Prisoners, giving order for their Apprehensions ; and then went to Dinner at one of the Sheriffs, where he was Royally Feasted, and towards the Evening he was attended by the Lord Mayor and Aldermen, as far as Temple-Bar homewards ; who returning, were set upon by some rude Persons, my Lord Mayor being pluckt off his Horse, and some of the Aldermen ; and forced to go home on foot, having other abuses offered them. This is related by one of the permitted Writers of those times, from whence it is plain how governable a sort of People these pretended Zealots were, and are, for such they were who were the Authors of all these disorders, Presbyterians, Independants, Anabaptists, and the other Anomalous Schismaticks, who put this affront upon the Magistracy of the City, purely out of their spiteful Zeal, for their paying this respectful Duty to His Majesty.

A Message was this Day brought from the House of Commons by Mr. Nathaniel Fienes.

Wednesday,  
January 5.  
Message to the  
Lords concern-  
ing the  
King's coming  
to the House.

(1.) *To acquaint their Lordships, That yesterday the King did come to the Door of the House of Commons, with armed Men, and came into their House in Person, when the House sat, and demanded some of their Members, which they conceive is a high and great Breach of the Priviledges of Parliament, therefore they thought it fit to give their Lordships notice of it, as a Breach of Priviledg, for it may concern this House likewise.*

(2.) *The House of Commons renew their former desire to their Lordships to join with them to Petition his Majesty, that the Parliament may have a Guard, for to secure them, as shall be approved of by the King and both Houses of Parliament.*

(3.) *The House do let their Lordships know, That they have appointed a Committee to sit at Guild-Hall in London, and have also appointed the Committee for Irish Affairs to meet there.*

Hereupon, It was Ordered, *That the Lords Committees for the Irish Affairs, shall meet in this House, when the House rises, and shall have Power to adjourn themselves from time to time, and from Place to Place as they shall see Cause.*

The Bishops who were ordered to put in their Answer unto their Impeachment upon the 7<sup>th</sup> of January, were this Day ordered to put in their said Answer upon Wednesday the Twelfth of January, and not before.

After which the House was Adjourned till the Eleventh of January.

In



In the Commons Houle, It was Ordered, *That the Doors be locked, and the Key brought up, and the outward Rooms cleared of all Persons, but Servants to Members of the House; and that no Member do offer to go out without leave: and also, that some Members do send forth their Servants, to see what Numbers of People are repairing towards Westminster, and to bring notice to this House.*

Then Mr. Glyn. Sir Philip Stapleton, Mr. Whitlock, Sir Henry Vane, ju. Mr. Grimston, Sir John Hotham, Serjeant Wild, Mr. Fiennes, Mr. Bellasis and Sir Walter Earl, were appointed as a Committee presently to retire into the Committee Chamber, and to consider of some Way for vindicating the Priviledges of Parliament, and for providing for the Safety of both Kingdoms, and present it to the House with all speed.

The Question was then put, *Whether a Committee shall be named by this House to sit in Guild-Hall in London, the House was divided.*

Mr. Herbert Price, }  
Mr. Kirton. } Tellers for the No { 86.

Mr. Cary, }  
Mr. Arthur Goodwin. } Tellers for the Tea { 170.

Whereupon, It was Resolved, &c. *That a Committee shall be named by this House to sit at Guild-Hall, and all that shall come to have Voices at this Committee.*

*That this Committee shall have Power to direct and appoint such Monies to be paid, as shall be necessary for the Troops at Chester.*

*That the Committee for Munster shall have power to sit when they will, and to put in Execution all such Propositions, as are already agreed upon by both Houses of Parliament.*

Then this following Paper drawn by the forementioned Committee was read, and afterwards Voted.

*Whereas his Majesty in his Royal Person, Yesterday being the 4th of Jan. 1641. did come to the House of Commons, with a great multitude of Men, Armed in a War-like Manner, with Halberds, Swords and Pistols, who came up to the very Door of this House, and placed themselves there, and in other Places and Passages near to the House, to the great Terror and Disturbance of the Members then thereof sitting, and according to their Duty, in a peaceable and orderly Manner, treating of the great Affairs of both Kingdoms of England and Ireland; and his Majesty having placed himself in the Speaker's Chair, did demand the Persons of divers Members of that House to be delivered unto him.*

It is this Day declared by the House of Commons, *That the same is a high Breach of the Rights and Priviledges of Parliament, and inconsistent with the Liberty and Freedom thereof; And therefore the House doth conceive, they cannot with Safety of their own Persons, or the Indemnities of the Rights and Priviledges of Parliament, sit here any longer, without a full Vindication of so high a Breach of Priviledge, and a sufficient Guard, wherein they may confide, for which, both Houses joyntly, and this House by it self, have been humble Suitors to his Majesty, and cannot as yet obtain.*

Notwithstanding which, this House being very sensible of the great Trust reposed in them; Especially at this time of the manifold \* Distractions of this Kingdom, and the lamentable and distressed Condition of the Kingdom of Ireland, doth Order, *That the House shall be adjourned until Tuesday next, at One of the Clock in the Afternoon, and that a Com-*

January,  
1641.

A Paper concerning his Majesties coming to the House of Commons in vindication of Privileges & their adjournment to Guild-Hall London.

\* Which they had occasioned.



January,  
1641.

mittee to be named by this House, and all that will come to have Voices, shall sit at Guild-Hall in the City of London to morrow Morning at 9 of the Clock, and shall have Power to consider and resolve of all things, that may concern the Good and Safety of the City and Kingdom, and particularly how our Priviledges may be vindicated, and our Persons secured; and to consider of the Affairs and Relief of Ireland, and shall have Power to advise and consult with any Person or Persons, touching the Premises, and shall have Power to send for Parties, Papers and Records.

And it is further Ordered, That the Committee for Irish Affairs, shall meet at the Guild-Hall aforesaid, at what time they shall think fit, and consult and do, touching the Affairs of Ireland, according to the Power formerly given them by this House.

And that both of the said Committees, shall report the Results of their Considerations and Resolutions to the House.

Then it was resolved upon the Question, That it shall be thus Ordered.

The Committee appointed to sit at Guild-Hall.

|                                  |                        |
|----------------------------------|------------------------|
| Mr. Chancellor of the Exchequer, | Mr. Pierrpoint,        |
| Mr. Glyn,                        | Mr. Walther Long,      |
| Mr. Whitlock,                    | Sir Richard Cave,      |
| L. Falkland,                     | Sir Edward Hungerford, |
| Sir Philip Stapleton,            | Mr. Grimston,          |
| Mr. Fiennes,                     | Sir Christopher Wray,  |
| Sir Ralph Hopton,                | Sir Benjamin Rudiard,  |
| Sir John Hotham,                 | Sir John Hippesley,    |
| Sir Walter Earl,                 | Mr. Herbert Price,     |
| Sir Robert Cooke,                | Sir John Wray,         |
| Sir Thomas Wallingham,           | Sir Thomas Barrington, |
| Sir Samuel Rolls,                | Mr. Wheeler,           |
|                                  | Sir William Litton.    |

And this Committee are appointed by the former Order, and are to pursue the Directions of the former Order, and all that will come, are to have Voices at this Committee.

Orders concerning Ireland, to exhaust the King's Stores.

These Resolutions following, being the Sum of what was agreed upon by the Committee of both Houses, for Irish Affairs, were this Day presented to the House and read, and by Vote upon the Question ordered accordingly:

That the Arms and Ammunition of all Sorts, with the Ordnance at Carlisle be sent into Ireland to Carrickfergus for Supply of those Parts of the North of Ireland, and the Arms to be Ordered, as my Lord Lieutenant shall direct.

That for a further Supply of those Parts, and for the Arming of those two Regiments under the Lord Conway and Sir John Clotworthy, that there be sent from the Tower 1000 Muskets, with Bullet and Match proportionable, 1500 Swords, 10 Last of Powder; these Arms and Ammunition to be sent thither, and ordered and disposed of, as the Lord Lieutenant thinks fit.

That 10 Last of Powder, with Bullets and Match proportionable, be sent from the Tower, to Munster, to be delivered to the Lord President of Munster, or whom the Lord Lieutenant thinks fit.

That 2000 l. be Ordered to be delivered to Sir William Brereton upon Account, for Payment of the 300 Horse now at Chester, and for their transportation, out of the Subsidies or Poll-Money.

That 3000 l. be assigned to be received in Cheshire or Wales, out of the Subsidy



Subsidy or Poll-Money, by the Victualler, for the present Relief of Dublin and Drogheda.

That 2000 l. be delivered to the Victualler of Carrickfergus, who is ready to set on the Work here; having a Ship at his Charges in the River.

The Commons had as a Committee sate at Guild-Hall in the Morning, where it seems there were great Debates concerning the Breach of Priviledges; upon which Subject, I find in the Prints of those times some Speeches, enumerating some of the Priviledges of Parliament, at least then reputed so, which whether they remain so still, I leave to the decision of those, who are concerned, The Speeches were as follows.

Mr. Speaker,

There are no Courts of Judicature in this Kingdom of England, but they have several Rights and Priviledges appertaining and belonging unto them; and have such Power and Authority in the several Jurisdctions of the same Offices, that they may call to an account; prosecute and bring to Judgment the Infringers and Breakers of the same.

Of all these Courts, there is none, yea put them all together, they are not of such Power and Jurisdiction, but inferior and subject to the Ordinances and Statutes of the High Court of Parliament.

Mr. Speaker, of such awful predominancy is the very Name of a Parliament to this Nation, that it strikes with Terror and Despair all such Evil Doers, as are Male-factors in the State; On the contrary side, it cherishes and comforts the drooping spirits of men groaning under the Burden of Tyrannical Oppression inflicted on them unjustly and maliciously, by Unmerciful and Wicked Men, that have Usurped unto themselves Places and Offices of Power and Authority both in Church and State.

Mr. Speaker, This Great and high court, is not only the Powerfulest of all other Courts whatsoever, but the Prudentest and Wisest, made and compacted, not only of Men sound in Religion, well Learned, but Ripe in their Judgments contracted from all Parts of this Kingdom, Elected & Chosen with the free consent of the whole body Politique of the Kingdom; this great and high Council is not only of such Power and Wisdom, but indued and attended with the most and greatest Priviledges thereof, that not only the meanest of his Majesties Subjects, but the greatest Personages of the Kingdom, are in danger, if infringers of the same, to be called in Question, and by them punished; therefore give me leave Mr. Speaker, to speak somewhat of the Priviledges in this particular incident, and appertaining to this Wise Senate, and in speaking thereof I shall observe these three particulars.

( 1. ) The Rights and Priviledges belonging to the same, in the free Votes and Judicature thereof.

( 2. ) The Rights and Priviledges belonging to the Power and Jurisdiction thereof.

( 3. ) The Rights and Priviledges, in the Continuances thereof, being freely called and assembled by his Majesties Authority not to be dissolved or broken off till all things agitated therein for the good both of Church and Common-Wealth be fully concluded and determined.

First, Mr. Speaker, concerning the Priviledges of a Parliament, belonging to the free Votes and Judicature thereof, I shall observe these three particulars.

First, To speak freely without Interruption or Contradiction in any Debate, Dispute or Argument, upn any business agitated in the same, being a Member thereof, I conceive to be one Priviledge of a Parliament.

Secondly, Not to be questioned, or any such free Dispute, Argument or Debate to be taxed, or accused for the same, either during the free sitting thereof or after, is another Priviledge of Parliament.

Thirdly, Freely to give Vote, Judgment or Sentence, upon the Reading of any

January,  
1641.

Mr. Grimston's  
Speech at the  
Committee  
sitting at  
Guild-Hall  
Jan. 5. con-  
cerning Breach  
of Priviledges,  
&c.



January,  
1641.

any Bill to be made a Law, or any Bill either of attainder, or other Charge against Delinquents and Criminous Persons against the State, at their Tryal upon the same is a third Priviledge of Parliament.

Fourthly, To defend and Maintain the Free Vote, Judgments and Sentences of the whole House, by Protestation, Remonstrance or other Declaration, if not consented unto, or opposed by the House of Lords, is a Fourth Priviledge.

Fifthly, For any Member of the House, not to be accused of any Crime, or Impeached for Treason by any Person whatsoever, during the continuance of the Parliament, for things done in the same, without Legal Accusation, and Prosecution of any such Member by the whole House, is another Priviledge of Parliament.

Sixthly, Not to be apprehended upon such Impeachment, or arrested by any Officer, or to have studies broken open, their Books and Writings seized upon without consent or Warrant of the whole Parliament is another Priviledge of the same, and thus much, *Mr. Speaker*, shall suffice to be spoken concerning the Priviledges and Rights of Parliament pertinent to the Subjects of which I am to speak.

I come now to the Second thing I proposed to your Audience, which was the Rights and Priviledges belonging to the Power and Jurisdiction of the Parliament, in which I shall observe these particulars.

First, to consult, and consider of what Laws are fit to be made and Enacted in this Kingdom for the good Government thereof, is one Priviledge belonging to the Power and Jurisdiction of this High Court.

Secondly, to Justifie, or abrogate, repeal, make Void, to ratifie and Confirm, Establish and Maintain Laws, Statutes, and Ordinances, made and Enacted by precedent Parliaments, by Councils of State, or other Courts of Judicature, is a second Priviledge pertaining to the Power and Jurisdiction of the Parliament.

Thirdly. To give Subsidies, to raise Taxes, to impose Loans and other charges upon the Subject, is another Priviledge belonging to the Power & Jurisdiction of the Parliament.

Fourthly to Accuse or Impeach any Incendiaries or Delinquents in this Kingdom of any Crime notorious, tending to the prejudice of his Majestie, or any of his Loyal Subjects, whether it be for Treason or other wayes, be they Members of the Parliament or no, is another Priviledge belonging to the Power and Jurisdiction of the Parliament.

Fifthly and lastly. To prosecute and bring to Judgment such Persons so Accused or Impeached for any Crime whatsoever, is another Priviledge belonging to the Power and Jurisdiction of this Court. And thus much of the Rights and Priviledges belonging to the Power and Jurisdiction of a Parliament.

And now, *Mr. Speaker*, I come to the last thing I Mentioned to you, concerning the Priviledges belonging to the Continuance and Free sitting till all things be concluded of for the Good Government of Church and State, in which I shall also observe these particulars.

First, that for a Parliament when Freely called and Assembled, by Royal Authority, not to be to debate, or argue any one particular business appointed by any person whatsoever, is one Priviledge belonging to the Continuance of a Parliament.

Secondly, Not to break off, or dissolve a free Parliament, until all the Grievances and oppression of all his Majesties Loyal Subjects be fully redressed and Remedied, is a Second Priviledge belonging to the continuance of Parliament.

Thirdly, Not to break off, or dissolve a Parliament, till all Incendiaries and Delinquents in the State be brought to condigne punishment for their Crimes.

Fourthly and lastly, To Accuse or Impeach any Member of the Parliament thereby to hinder and interrupt the Legal Proceedings thereof, in the Weighty Affairs of the Common-Wealth, is another Priviledge belonging to the Continuance of a Parliament.

And thus having briefly declared to you, the Power and Jurisdiction of a Parliament, above all other Courts of Judicature in this Land; the Wisdom and



and Policy of a Parliament above all other Councils; the Rights and Privileges of a Parliament in respect of the free Votes and Judicature thereof; the Power and Jurisdiction thereof; and the free continuance thereof, I humbly leave to the Consideration of this House, whether the accusation of these Gentlemen accused by his Majesty, and the illegall breaking open upon this their Accusation, of their Chambers, Trunks and studies, be not a breach of some of the Privileges of Parliament which I have Mentioned unto you.

January,  
1641.

I have nothing to say against the Real Privileges of the High Court of Parliament, but certainly that of a Parliaments sitting, till all pretended Grievances are Redressed, which is tantamount to sitting perpetually since there will be always such Pretences, is so far from being a Real Privilege of Parliament, that among all the Rolls and Records of our Parliaments, there cannot be found one single Instance of any Parliament, that pretended or laid Claim to such a Privilege. And there cannot be a more demonstrative Agreement against this, then the very Act which this Parliament obtained from the King, that they should not be dissolved, or prorogued by the King, without their own Consent: which was a plain Confession, that till his Majesty had in this Particular, by giving the Royal Assent to that fatal Bill, limited the undoubted Power of his Prerogative, it was an inherent Right annexed to the Imperial Crown of this Realm, that the King was the sole Judg of the Calling, Continuance and Dissolution of Parliaments. And though some Seditious Pens, and particularly the Apostate Author of the Life of *Julian* the Apostate, have taken great Pains, to revive and furbish up this Opinion, and to reflect upon his present Majesty, as the Rebels of this Parliament did upon his Royal Father, for breaking up of some Mutinous and Troublesome Parliaments in the beginning of his Reign; which plainly shews them to be of the Temper of the ill Men of those ill times, yet I think they ought to stay, before they Preach this Doctrine to the People, for a true Privilege of Parliament, till they have got such another Act of Perpetuation in one Hand, and a Sword to maintain it in the other, which is the only Argument, that at long run such Seditious People must have Recourse to; and I hope it may be some time before such another Act will be obtained, and longer before they can get the Power of the Sword to maintain it.

And certainly were there no other Inconveniences, yet the dismal Effects, which the continuance of this Parliament brought upon the King and Kingdom, to the intire Ruin of the Government, Laws, Liberty and Property of the *English* Nation, are sufficient, to give all Loyal and Honest Subjects very terrible Apprehensions, not only of the thing it self, but that the Persons who revive and propagate such Opinions, must have Designs, to compass and effect the same Mischiefs over again, which like an Inundation, drowned the Kingdom in Blood, by the Breach of this Bank of Royal Prerogative, of the Kings being the sole Judg of the continuance and dissolving of Parliaments.

Mr. Glyn's Speech upon this Subject was as followeth.

Mr. Speaker,

**W**E sit now upon that grand business of the Breaches of the Rights and Privileges of Parliaments, which are so many and great; so carefully preserved and defended; and having in former times severely punished the infringers thereof; that I had thought and conceived that no Subject,

Mr. Glyn's  
Speech about  
Breach of Pri-  
vileges, Jan.  
5. 1641.



January,  
1641.

of what degree or dignity soever, would either in their own persons, or by mis-informing his Majesty concerning the same, would have presumed to have intrenched in the least measure, upon the free Liberty, Rights, and very Beings of Parliaments, or tending to the Breach thereof. But, Mr. Speaker, I perceive the perverseness of divers persons in places of Authority, that they dare not only presume to provoke his Majesty by their politick mis-informations, but dare attempt of themselves to resist the lawful power both of the King, and his high Court of Parliament.

Mr. Speaker, These Men notwithstanding they apparently perceive, that their wicked practices and malicious designs, cannot take effect according to their expectation, but are rejected and detected as well by his Sacred Majesty as his Lords, and his whole Council, dare venture to endeavour, by casting aspersions, and spreading abroad evil reports; not only of the Members, but of the Proceedings of the House of Commons, against them and others of their Adherents, and Favourits in their wicked and desperate Actions and Designs, against their lawful Sovereign, and his Liege People.

I conceive, Mr. Speaker, did these persons but remember the many Presidents, yet extant of the just and deserved punishments, inflicted by former Parliaments, upon such Miscreants, as witness the Arch-Bishop of *York*, the Duke of *Suffolk*, Chief Justice *Belknap*, and the rest of that Conspiracy, in the Reign of King *Edward* the Second, they would have prejudged to themselves the like danger would follow upon them, for their evil Actions.

Nay, Mr. Speaker, did these men but consider with themselves, the just judgments of God, that have immediately lighted upon the necks of such as have been the troublers of Kingdoms and Common-wealth, whereof they have been Members, as well recorded in Sacred Writ, as of late times in this Kingdom, yet still in fresh Memory, they would have laid their hands upon their Mouths and hearts when they went about to speak or do any thing, tending to the dishonour of Almighty God, in innovating of his true Religion, corrupting the sincere Doctrine and discipline of Christ and his Apostles; as also any thing tending to the dishonour and perpetual destruction of his Royal Majesty, (however otherwise they may pretend, the Fundamental Laws and Liberties of this Kingdom, the Rights and Priviledges of Parliaments, and the very being thereof) but surely, Mr. Speaker, they are altogether benumbed and stupified, their Consciences dead and seared, their Lives and Conversations altogether devoted to the works of darkness and impurity; their desires altogether sensual, carnal, and devilish, forgetting God, kicking and spurring with maliciousness, against all Piety and Godliness, or else they would never have adventured to practice such things, as it is too too manifest they have done.

Mr. Speaker, I intend to be brief in that which I am to speak, concerning the Breaches of the Priviledges of Parliament.

First, To inform his Majesty of any Proceedings in the House of Commons, upon any businesses whatsoever before they have concluded, finished, and made ready the same to present to his Majesty, for his Royal Assent thereunto, is a Breach of the Priviledges of Parliament. Secondly, To mis-inform his Majesty, contrary to the Proceedings in Parliament, thereby to incense and provoke him against the same, is a Breach of Priviledge of Parliament. Thirdly, To cause or procure any Information or Accusation to be brought or preferred, without the knowledge or consent of the Parliament, into the House against any of the Members thereof, is a Breach of Priviledge of Parliament. Fourthly, To apprehend any such Accused, to imprison their persons, to seize upon their Goods or Estates, to prosecute and proceed against them, to their Tryal and Judgment, to Condemn or Execute them upon such Accusation, without the consent or advice of the Parliament, is a Breach of the Priviledges thereof. Fifthly, To endeavour to cast an evil opinion of such Members Accused, into the hearts of his Majesties Loyal Subjects, whereby they disaffecting them, may be ready and willing to put in execution, any Command or Warrant for their apprehension and imprisonment, is a Breach of the Priviledges of Parliament. Sixthly, To come in open Parliament for any Officer or Serjeant, to demand and arrest any such Member accused, be it of high Treason or any other Crime whatsoever, without the knowledge of the whole House, is a Breach of the Priviledges of



of Parliament. Seventhly, to come to a Parliament sitting in free consultation, assisted and guarded with Armed Men, and with them be sitting the House to demand as it were, *Vi & armis*, such Members accused, is a breach of Priviledges of Parliament.

January,  
1641.

Lastly, to procure to be set forth, or to set forth, under his Majesties name, any Proclamation or Declaration, prohibiting the repair of such persons accused to the Parliament as Members thereof, and to apprehend them in what place soever they shall be found, without the advice and consent of the whole State assembled, and sitting in free Parliament, is a manifest Breach of the Priviledges thereof. And this, Mr. Speaker, is all that I have to say, concerning this days busineses, humbly leaving the same, to the consideration of this Honourable Assembly.

Nothing now was to be seen but Noise and Tumult in the City of London, nor to be heard but Breaches of Priviledge, and the Plots and Designs against the Parliament: Insomuch, that the King seeing it was absolutely impossible to have any Justice done him against these Accused Persons, who were so surely intrenched in the Popular favour, that they were out of the reach of the Law; and finding also, that he was in perpetual danger of having his Person as well as Authority Exposed, to the daring affronts of the furious and incensed Rabble, who ran up and down in Multitudes, as if they had lost their Wits as well as Loyalty: And therefore hoping that time having allayed their first fury, they might be brought to Reason and Temper, by his withdrawing himself, and declining the further prosecution of these Favourites of the Faction; his Majesty with the whole Court left *White-Hall*, and retired first to *Hampton-Court*, and then to *Windſor*.

But it was so far from working those Effects, that these low and degenerate Spirits, who are always given to insult, where they find a yielding to their fury, attributing the King's departure to his fear, and not to his discretion, they Triumphed as if they had already gained a Victory: And, the declining of his further Prosecution of the Accusation, was urged as an invincible Argument of the Innocency of the Persons accused, and the defect of sufficient Testimony to make good the Charge; when as in reality, though the King had, as doubtless he had, and the World might have seen it, if all his most secret Papers had not with his Cabinet fallen at *Naseby* into those hands, who knew how to stifle whatever might discover their Designs: I say, though the King had never so clear Evidence to make out his Charge against them, yet at that time to have produced them, must have been only, to have offered so many innocent Sacrifices, as he had Witnesses, to the fury of Popular Rage and Madnes; and it is easie to conceive from the treatment of the Attorney General, and the other Officers, who acted by the King's immediate Warrant, what justice his Majesty was to expect from the Parliament, who were to be Judges of the Guilt, or Innocence of those Men, to whose Designs, and the Crimes of which they were accused, the leading Men of the Faction in both Houses were themselves Parties.

And now in this Interval of the Adjournment of the Parliament, the Faction having notably bestirred themselves both in the City and Country, the accused Members, were, with an infinite Multitude of the Rabble in and about the City and Suburbs, together with a strong Guard of Citizens, who carried the Protestation tied to the tops of their Pikes; and several Troops of Volunteers, who instead of Feathers wore the Protestation in their Hatts, conducted by Land and by Water, with a thousand



January,  
1641.

land wild Acclamations, and reſeated in the Houſes of Parliament at Weſtmiſter.

And that Poſterity may ſee how, and by what Arts, the Vulgar were managed, I will here inſert one Sheet, Title and all of thoſe Pamphlets, which were balled about the Streets, and poſted down into the Country as a true Account of this Affair. It runs thus.

*A true Relation, of the unparalleld Breach of Parliament by His Maſteſty, on Tueſday the 4th of January 1641, being inſtigated thereunto by unadviſed Councels, under pretence of a Legal proceeding.*

*Together with a Relation of the Hoſtile Intention upon the Houſe of Commons, by Capain Hyde, and thoſe other Caviliers and Soldiers, that accompanied his Maſteſty in a Warlike manner, armed with Swords, Piſtols and Dragoons.*

*And alſo a Relation of the free and voluntary Offers of the Trained Bands of the City of London; of the Maſters of Ships, Marriners and Seamen; of the Apprentices of London; of the Trained Bands of Southwark, and of the Water-Men upon the Thames, to defend the King and Parliament, againſt Malignant Councels and Plots of Papifts.*

*Likewiſe how certain Multitudes of Country-Men came to preſent their humble Petitions to the Parliament.*

A lewd Pamphlet of the King's going to the Houſe of Commons, &c. Jan. 4. 1641.

ON Munday the third of this inſtant Month of January, his Maſteſty by War-rant under his own hand, authorized Serjeant Frances, Serjeant at Arms, to come to the Houſe of Commons, and there to demand Mr. Denzil Hollis, Sir Arthur Haſlerigg, Mr. Pym, Mr. Hampden and Mr. Strowd, whom in his Maſteſties Name, he accuſed of High Treason.

The Houſe of Commons returned this Anſwer, That not only thoſe five Gentlemen, but alſo every one of them would lay down their Lives and Fortunes at his Maſteſtie's Feet, ſo he would be but pleaſed to accuſe them in a legal way, and make known the Cauſe of their Accuſation.

The next Day being Tueſday, his Maſteſty (unexpectedly) came to the Houſe of Commons attended with a multitude of Perſons Armed as aforeſaid, and there in the Speaker's Chair, demanded theſe five Perſons, ſaying, *He expected yeſterday Obedience, and not an Anſwer.* When his Maſteſty a long time together had caſt his Eyes round about the Houſe, and could not diſcern any of theſe Five Members there, he was pleaſed to command Mr. Speaker to tell him if they were there; the Speaker falling upon his Knees, humbly beſeeching his Maſteſty to excuſe him, for he was Servant to the Houſe of Commons, and could neither ſee nor ſpeak without their leave.

His Maſteſty diſcerning they were not in the Houſe, graciously departed; but the bloody-minded Souldiers, ſome of whom ſtood near the Door of the Houſe of Commons, with their Piſtols ready cock't, and their Swords erected in their hands, expecting when the Word ſhould have been given with fearful Oaths expreſſed themſelves, *That they loſt that they came for, the perſons were not there.* They miſt the opportunity of cutting their Throats, and the Throats of all thoſe Parliament-Men of the Houſe of Commons that would not have ſuffered theſe Five Perſons to have been taken out of the Houſe, his Maſteſties own Servants carrying themſelves Civilly, and indeed ignorant of the Trayterous Deſign.

As ſoon as theſe Damme Blades about the number of 400 were gone, the Houſe of Commons, full of grief of Heart to ſee the Priviledges of Parliament thus broken, adjourned in great diſcontent till Wedneſday the 5th of January, at Two of the Clock, at which time they met, and concluded of an Order to Adjourn the Houſe till Tueſday the 11th of January, 1641. And in the mean time, appointed a Committee of the Houſe of Commons to Sit in London, to conſider of the Safety of the King, Kingdom and Parliament, and of repairing of the Priviledges of Parliament ſo highly broken.

Which



January,  
1641.

Which Meeting hath produced several Orders and Decalrations for maintaining the Priviledges of Parliament, which are to be reported to the House, and there to have its force.

But for the Safety of the Kingdom and City, which they conceived to be in Imminent danger; the *Committee* for *Irish* Affairs of the House of Commons propounded the consideration thereof to the *Committee* of the Lords House for *Irish* Affairs, who sate likewise in *London*, who in regard the King had denyed both Houses a Guard to protect them; and in regard such an Hostile Plot was intended, as was apparently proved, declared their Opinion, *That whereas the King and Parliament was in so great danger; that in that Case the Sheriffs of London and Middlesex ought to come with the Posse Comitatus to the Parliament, to defend the King and Parliament.* To which Opinion the *Committee* of the House of Commons assented, which was communicated to the Lord Mayor, Aldermen and Common Councel of *London*, and they delivered their Opinions herein, and expressed their forwardness hereunto.

This Breach of Priviledg of Parliament begot much discontent in the Parliament and People; and the more, in regard by special Command, the Articles against Master *Pym*, and the rest were Printed, and the same published by Sir *William Killebrew* and Sir *William Flemyn*, and delivered in his *Majesties* Name (as they falsely pretended) to the Four Inns of Court, to the end to make these persons the more odious to them and the Kingdom: And in regard the consequence of admitting this Accusation in this manner against these five persons, is a president to take away the whole House of Commons at a breath, under pretence of High Treason, if (as God forbid) an Accusation of this Nature should be hereafter; and considering that to this very day, (11 Januar. 1641.) no Articles of Impeachment is come into the House of Commons by the King's Attorney or otherwise, or from the Lords House, (if any be there against them) till which time that it come from thence by Messengers of their own (if there first depending) the House cannot legally take notice thereof: This, and many other Reasons, made the House of Commons to insist upon it, besides the great merit of these persons, whom (as the House hath declared) though as dear as their Lives unto them, they will deliver over unto a Tryal, so as his Majesty will proceed against them in a Legal way, either at the *Kings-Bench*, or in Parliament, and produce any Subject in *England* that will stand to make good the Accusation; and in case they fail to make it good, that his Majesty will let them be forth-coming, and also to discover those wicked Counsels that have advised him to this course, that they may be brought to condigne punishment.

The City and People in the adjacent Parts are so much moved in this business, and fearing some suddain Execution may be done upon the *Parliament* (both the House of Peers, and House of Commons, and the Lords of the Privy Councel, having declared that this Act of his *Majesties* without their Advice, and against the Priviledges of *Parliament*) That they yesterday declared, That Eight Companies of the Trayned Bands, with 8. Pieces of Ordnance, and divers Horsemen mounted, shall Guard the *Committees* of the House of Peers, and Commons, from Grocers-Hall in *London* to *Westminster*; And the Sea Captains, Masters of Ships, and Marriners, with small Barges, and Long-Boats sufficiently Mann'd and Armed with Murderers, Rablets, Faulchion and Minion, with Musquet and Half-Pikes, to the number of 2000 persons have engaged themselves to Guard the *Parliament* by Water. The Trayned Bands in *Southwark* have offered themselves to secure all the other side of the Water, and the Apprentices tendred their Services to attend the *Parliament* to the number of Ten Thousand with Warlike Weapons, but those the *Parliament* enjoyned to stay at home. And lastly, the Watermen tendred their Barges for more Safety to carry the Parliament-men by Water: All which, to the great admiration of all the Beholders, put in Execution this day. And that which is most considerable, 4000 Horsemen are come to the House of Commons this day, except some of them which lay at *Uxbridge* and places thereabouts, with a Petition in the Name of the whole County of *Buckingham*, That Mr. *Hampden* their Knight of the Shire may receive his Tryal, and not lie under the name of High Treason, and cannot obtain a Legal way of Tryal; and that if he acquit himself, (as no good men make doubt of) Justice in a high measure may be done upon the false informers



January,  
1641.

of his *Majesty*, how near or how great soever; They being confident that it is but delign of the Popish Party, to put an interruption in the Proceedings of Parliament, that no Relief may be sent to *Ireland*, but that more Protestant Blood may be shed there, and that all *Acts* made this Parliament, may be avoided under pretence of no Free Parliament: And lastly, to force a Breach of this Parliament, by an untimely Adjournment, or fayl of meeting through fear of danger.

By this it will be easy to observe, how the People were deluded and inflamed into those Heats and Commotions, which cast this Nation so dear, and by what wayes the popular Poison and Contagion spread it self far and wyde, so as to become almost an Epidemical Disease throughout the Kingdom; and will plainly demonstrate how dangerous a Tool the Press is, when the Hand of Faction.

And now let us take a view of their Actions, and how they demeaned themselves, having got the Bishops cooped into the Tower, and the King out of the Town, and themselves triumphantly replaced at *Westminster*.

Tuesday,  
Jan. 11.

The Lord Lieutenant of *Ireland* Reported, *That the Lords Committees for the Irish Affairs, have met in London, with the Committee of the House of Commons, and have agreed upon some Resolutions, concerning the Affairs of Ireland.*

(1.) *That 2500 l. out of the Loan Money, be forthwith delivered to Sir Job Harvey, and Sir John Nulls, who have undertaken to return it to Chester, for the Paying and Transporting the 300. Men, now there, to Dublin.*

(2.) *That 3000 l. more be paid to them, they having undertaken to give Credit to Mr. Walter Frost, Commissary for the Victuals.*

The Committee of the House of Commons told the Lords Committees, likewise, *That they were now at the bottom of their Purses, and for-as-much as the necessity of providing Money, and of the Supply for the present relief of Ireland, requireth the Consideration of both Houses of Parliament; and for-as-much as they cannot sit in safety without strong and sufficient Guards, from the City of London, and adjacent Parts; they desire the Lords Committees to joyn with them, to consider of a Way for Securing of both Houses by Guards as aforesaid, that they may come, and return, and remain in safety.*

Hereupon the Lords Committees have Voted, *That it is fit and necessary that there should be strong and sufficient Guards from the City of London, and adjacent Parts, for the securing of both Houses, that they may sit in safety.*

Secondly, Their Lordships have Voted, *That it is a legal way for the Houses to require the Sheriffs of Middlesex and London, to attend for that purpose, with the Posse Comitatus, and that they will Report these Votes to the House of Commons accordingly.*

And the Lords Committees meeting with the Committee of the House of Commons, the 10th. of this instant January, were of Opinion, *That Guards are necessary to be placed, before the Committee for Irish Affairs do sit at Westminster; and for the manner of ordering of the Guards, they referred it to the Common-Council of the City of London: And their Lordships, will Report to the House of Lords, That the placing of those Guards for the safety of the Irish Committee is in their Opinion, an acceptable service to the Common-wealth.*

Which Report being made, it was confirmed by the House, and the several Votes approved, and Ordered accordingly.

Then the Lord Steward Reported the Kings Answer touching the desire of both Houses concerning Guards, which Answer was read, in these words:

o o o o o

We



**W**E having considered the Petition of both Houses of Parliament concerning a Guard, do give this Answer, That We will (to secure their Fears) Command the Lord Mayor of London, to appoint 200. Men out of the Train'd Bands of the City (such as he will be answerable for, to Us) to wait on the House of Parliament, that is to say, one hundred on Each House, and to be Commanded by the Earl of Lindsey, it being most proper to him, as being Lord Great Chamberlain, who by his Place, hath a particular Charge of the Houses of Parliament, and of whose Integrity, Courage and Sufficiency none can doubt.

January,  
1641.  
The Kings answer concerning Guards.

But the Faction of the Commons were resolved to have no Guard of the Kings, but one of their own appointment, for upon a Vote of the Commons to this purpose, it was Ordered, That the Sheriffs of London and Middlesex, be hereby required to send two Companies of the Train'd Bands of the City of London and County of Middlesex, under the Conduct of Serjeant Major Skippon, to attend both Houses of Parliament, every day for security of the Parliament, until both Houses do give order to the Contrary.

Order for a Guard of the Train'd Bands to be Commanded by Major Skippon.

Directed to the Sheriff of the City of London and Middlesex.

A Message was brought up by Sir Philip Stapelton, who brought up a Bill which had passed the House of Commons, Intituled, *An Act declaring, That the Lords and Commons may Adjourn themselves respectively to any Place.*

(2.) To let their Lordships know, that the House of Commons are informed, that there is at Hull a Magazin of Arms of the Kings, for 16000. Men and proportionable Ammunition; But in regard no great strength is in the Town, and that the Countrey about is full of Papists ill affected; The House of Commons desires their Lordships to joyn with them, that some Companies of the Train'd Bands, next adjoining to Hull, be forthwith put into that Town, for the Safeguard of that Town and the Magazin there, and the said Train'd Bands to be under the Command of Sir John Hotham Knight, who hath the Command of that Town already by Patent from the King.

Whereupon, it was Ordered, That some of the Train'd Bands of Yorkshire nearest to Hull in the said County, under the Command of Sir John Hotham Knight, shall with all speed be put into the Town of Hull, for the securing of the Kings Magazin there, and the said Town; and hereof the said Sir John Hotham is, by Virtue of this Order, Commanded to perform accordingly. And the said Sir John Hotham is to Command the Town and Forces therein; and all Parties whom it concerns shall give their Obedience unto the said Sir John Hotham, and his Ministers. And lastly, That Sir John Hotham, or whoever he shall appoint under him, shall not deliver up the Town of Hull, or Magazin there, or any part thereof, without the Kings Authority Signified unto him, by the Lords and Commons Assembled in Parliament.

Order for Sir John Hotham to keep the Town of Hull.

Directed, to Sir John Hotham the Elder.

The Vizor now began to drop off apace, for the plain English of this and the former Order for a Guard, was that the King was only to have the Name, but the two Houses were to have the Substance of the Roy-



January,  
1641.

An Act for the  
Lords and  
Commons to  
adjourn them-  
selves to any  
place, passed  
the Lords.

al Authority. And certainly no men ever moved by more Regular Steps towards Rebellion; they had pretty well Exhausted his Majesties Stores for the Service of *Ireland*, and now they were resolved to Secure the Rest; The *Tower of London* hung still mightily in their Light; and though the King had Displaced *Lunsford*, yet Sir *John Byron* the present Lieutenant, who was a Person of great Loyalty, Courage and Gallantry, was by no means agreeable to their Liking or Designs, and therefore the next attempt was to get quit of him, and a Confiding man, a Creature of the Faction, placed in that Important Command, as we shall presently see.

Then the Act, declaring that the Lords and Commons may Adjourn themselves respectively to any Place, was read twice, and after a short debate, a third time, and upon the Question, it was consented to, to pass as a Law.

From whence it is observable, that even this Parliament who had gotten an Act, that they should not be Prorogued or Dissolved without their own Consent, yet did not think they had Power without the Royall Assent to an Act of Parliament, to Adjourn themselves to any other Place from *Westminster*, whither they were by Writ Summoned to Assemble and Sit; and which likewise is a Concession, that it was so solely in his Majesties Power, though not to Dissolve them, yet to have Adjourned them to some other Place, less Factious and Troublesom then at that time *London* was.

A Petition was presented this day to the Lords from the Inhabitants of *Bucks*, as follows:

To the Right Honourable the House of Peers now Assembled in PARLIAMENT.

The humble Petition of the Inhabitants of the County of *Bucks*.

SHEWETH,

That whereas we hoped upon the happy Assembling of this present Parliament, we should have had a speedy Redress of those Pressures we have for many Years been under, but have been hitherto in great Measure Frustrated of your hopes, by the strong Counter-working of a Malignant Faction, whereby the perfecting of Reformation is hindred, the endeavours of the House of Commons, in great part Succesless; our dangers grown upon us, by iterated Plots; Priests and other Delinquents unpunished, to the Encouragement of others; *Ireland* lost by protracted Councils, while thousands are there Butchered by many Cruelties; and to cut off all hopes of future Reformation, the very being of our Parliaments endangered, by desperate and unexampled breach of Priviledges, which by our Protestation lately taken, we are bound with our Lives and Estates to maintain: And in respect of that late attempt upon the Honourable House of Commons, we are now come to offer our service to that end, and resolved in their just defence to live and die.

And therefore humbly Pray, that this most Honourable House will Cooperate, with the House of Commons, in most Speedy perfecting the most necessary work of Reformation; bringing to condign and Exemplary Punishment, both wicked Councillors and evil Plotters and Delinquents; that *Ireland* may have speedy relief; the Priviledges

*Bucks* Petition  
to the Lords,  
Jan. 11.  
1641.



ledges of Parliament fortified against all future Attempts; and the whole Kingdom put into sure and present Posture of Defence, that we may live both Safe, from all Practices of the Malignant Party at home, and the endeavours of any ill affected States abroad,

January,  
1641.

*And Your Petitioners shall ever Pray, &c.*

The Petitioners were called in again, and told, *That this House takes well their coming hither with their Petition, and their Care of the Priviledges of Parliament, and the Kingdom of Ireland, for which this House gives them thanks, and their Lordships will take their Petition into consideration.*

The Lord Keeper acquainted the House, *that he had received a Command from his Majesty to attend him at Windsor, he received the permission of the House to do it, and was ordered to acquaint his Majesty with the Order concerning Hull; and likewise to move his Majesty from both Houses, for his Royal Assent to three Bills which have passed both Houses, one for Pressing of Marriners, another concerning Redeeming of Captives at Algiers, and the third concerning the Power of both Houses to Adjourn the Parliament.*

The Lord Kymbolton moved, *That if the House thought the Proceedings against him Legal, that Mr. Attorney might be Commanded to Prosecute the Accusation against him, for that if Mr. Attorney be ready to make good the Charge against him, he is ready to answer it, and that he desired no further time.* His own Innocency making him thus Confident, as he said, though it is shrewdly to be suspected he had other Motives and Reasons, drawn from the Power and Prevalency of the Faction, which gave him this assurance.

Lord Kymbolton  
moves to be  
Tryed.

However Mr. Attorney was sent for, who informed the House, *That what he had done was by the Express Command of the King his Master, and not done by his Advice; that he had attended the King to receive his Majesties further directions therein, who told him, when he went out of Town, he would leave something with the Lord Keeper, to acquaint this House further with concerning this Business: And that he had attended the Lord Keeper to know whether the King had left any directions with him, who told him, he had received none from his Majesty, but that he was Commanded to attend his Majesty Speedily.*

Hereupon the Lord Kymbolton desired the House, *That some speedy Course may be taken, that his Life, Estate, and Honour may be Secured.*

A Message was brought from the House of Commons, by Sir Henry Vane, Junior, to let their Lordships know, *That in regard of the great Jealousies and Distractions of the City of London, by Sir John Byron's being Lieutenant of the Tower of London, as appears by the Citizens shutting up their Shops, and giving over Trade; and in regard of the good Affections Expressed this day to the Parliament, the House of Commons desires their Lordships to joyn with them to Petition the King, that Sir John Byron may be forthwith removed from being Lieutenant of the Tower, and that Sir John Conyers may be recommended to his Majesty for that Place.*

Message concerning the  
Tower to remove Sir John  
Byron.

After much Debate of this Message, it was put to the Question, and it was Resolved, &c. *That this House thinks it not fit to joyn with the House*

Lords Dissent.



January,  
1641.

Bishops to put  
in Answer.

*House of Commons in an humble Petition to his Majesty, for removing of Sir John Byron Knt. from being Lieutenant of the Tower, and placing of Sir John Conyers there.*

The Bishops were also ordered to put in their Answers to the Commons Impeachment of High Treason, on *Friday* next.

The Lord Chamberlain then acquainted the House, *That the King hath sent Command to his Lordship and the Earl of Holland, to attend his Majesty at Hampton-Court; but before they went, they desired to know the pleasure of this House, being bound by their Writs to attend the business of the Kingdom.*

Lords sent for  
by the King  
not permitted  
to go by the  
House.

Whereupon the House Commanded the Lord Chamberlain, and the Earl of *Holland* to attend this House, and would not dispense with their Absence, in regard of the many great and urgent Businesses depending in this House.

It was the strangest fortune in the World certainly, that these Men of the Faction had, that when ever they stood in need of a Plot to countenance their designs, and to stir up the People to Sedition, some kind Person or other, was sure to furnish them with one or more as there was occasion; for this day in the very Critical Juncture of time, a Letter was produced in the House of Commons and there read, and immediately Communicated to the House of Lords. The Letter were as follows:

To the Worshipful and my much honour'd Friend *Orlando Bridgman* Esq; a Burgess of the Parliament, at his Chamber  
in the *Inner Temple*, these present.

S I R,

Two Letters of  
a strange Plot,  
strangely dis-  
covered to the  
Commons.

**W**E are your Friends; these are to advise you, to look to your self, and to advise others of my Lord of *Strafford's* Friends to take heed, lest they be included in the common Calamity: Our advice is to be gone, to pretend business, till the great bubbl be past; withdraw, lest you suffer with the Puritans: We intreat you to send away the inclosed Letter to Mr. *Anderton*, inclosed to some Trusty Friend, that it may be carried safely without suspicion, for it concerns the common safety. So desire your Friends in *Covent-Garden*.

*January 4th.*

The inclosed was directed, To the Worshipful, and my much Honour'd Friend Mr. *Anderton*, these.

S I R,

**A**lthough many Designs have been defeated, yet that of *Ireland* holds well, and now our last Plot works as happily as that of *Ireland*. We must bear with something in the main, His Will is strong enough, as long as he is fed with Hopes; the Woman is true to us, and real, her Council about her is very good, I doubt not but to send you by the next, very joyful News: For the present our Arch-Enemies, *Pym*, *Hampden*, *Strode*, *Hollis* and *Haslerigg* are blemished, charged for no less then Treason; before I write next doubt not but to have them in the Tower, or their Heads from their Shoulders: The Solicitor and *Fiennes*, and Earl, we must serve with the same Sauce: And in the House of Lords, the Lord  
Mandeville



Mandeville is touched, but Essex, Warwick, Say, Brooke, and Paget must follow, or else we shall not be quiet: Falkland and Culpeper are made Friends to our side, at least-wise they will do us no hurt. The Protestants and Puritans are so divided, that we need not fear them; the Protestants in great part will join with us, or stand Neuters, while the Puritan is suppressed; if we can bring them under, the Protestants will either fall in with us generally, or else if they do not, they are so indifferent, that either by fair or foul means, we shall be able to command them. The mischievous Londoners, and the Apprentices may do us some hurt for the present, but we need not much fear them; they do nothing Orderly but Tumultuously, therefore we doubt not much, but to have them under Command after one brunt; for our Party is strong in the City, especially Holbourn in the new Buildings and Westminster. We are afraid of nothing, but the Scots appearing again, but we have made a Party there, at the King's last being there, which will hold their hands behind them, while we Act our part at home. Let us acquit our selves like Men, for our Religion and Country, Now or Never. The King's heart is Protestant, but our Friends can perswade him, and make him believe any thing; He hates the Puritan Party, and is made irreconcilable to that side; so that the Sun, the Moon, and the Seven Stars are for us; \* There are no less then 20000 Ministers in England, the greater half will in their places be our Friends, to avenge the Bishops dishonour; let our Friends be encouraged, the work is more then half done.

Your Servant, R. E.

I cannot tell whether it will not appear equally ridiculous as the Letters themselves, to endeavour to manifest, that this Letter with the inclosed, were mere Fictions, since it seems they thought little better of them themselves; for when these Letters were sent up to the Lords by Sir John Hotham, he delivered the Message in these words, That he was sent to inform their Lordships of two Letters, one sent to Mr. Orlando Bridgman, a Member of the House of Commons, another written to one Mr. Anderton, which they offer to their Lordships, to make use of them as they think fit; which kind of slight recommendation, their Lordships it seems understood so well, that they were only read and laid by, without further notice taken of them. But there was a further use for them, for these Letters quickly got into Print, and contributed not a little by those cursed Reflexions, with which they were stuffed, to blacken the Reputation of the King and Queen, and confirm the Credulous Multitude in the belief of a great and horrid Plot of the Papists and Episcopal Protestants against the Parliament, which was a point absolutely necessary to be gained by the Faction, in order to what was now too apparent to all Honest and Loyal Men, the carrying on a Plot of the Puritans, as they were then called, by Rebellion to accomplish the work of Reformation.

But to put the matter out of dispute, having occasion to search among the old musty Papers of that time, in the Clerk of the Parliaments Office, I found these very Original Letters, and being strongly possessed in my imagination, that by comparing of hands, there being something very particular in the hand that writ those Letters, I should find out the cheat; I found several Letters written by Sir Anthony Welden, with the very exact and distinguishing stroaks and cutting of the

January,  
1641.

† The very stile of a Canting Puritan, as no doubt he was that forged this Letter.

\* A notorious untruth in fact as to matter of Number.



January,  
1641.

the Letters, so like that written to Mr. *Bridgman*, that I do not in the least doubt, but whoever was the Contriver, Sir *Anthony* was the *Amanuensis*; and indeed it suits well enough with such a Kitchen-stuff Courtier as he afterwards proved, both by his Actions, and the Infamous Libel written by him called *The Court of King James*. The Papers are in my possession if any Persons doubts shall tempt them to disbelieve my positive Opinion in this matter.

The Commons, that they might Rivet themselves into the hearts of the Seditious Rabble, who had conducted them and the five Members to *Westminster*, resolved not only to thank them, but to indemnifie them too for this Riotous and Tumultuary procedure: And therefore first divers Sea Captains, Masters of Ships, and Marriners were called in, to whom Mr. Speaker delivered this by the Command of the House.

Thanks to the  
Sea Captains,  
&c.

(1.) *That the House did take special notice of the performance of this Service of theirs, to this House, and to the Common-wealth, and gave them thanks for it, and desired them to Communicate the same to the rest of the Sea-men and Marriners.*

(2.) *For the Petition which they delivered to the Committee of this House the other day in London, that this House will take it into speedy Consideration, as also any other desire of theirs, that they shall make to this House.*

Thanks to the  
Trained  
Bands of *West-*  
*minster*.

Then divers of the Trained Bands of *Westminster* were called in, whose Petition being read, and Ordered to be Entred, Mr. Speaker acquainted them as followeth, *That this House hath taken notice of the Expression of a great deal of Affection in their Petition unto this House, and have Commanded him to give them thanks for it; and that this House had never any cause to be Jealous of them, and shall make use of them as there shall be occasion.*

Thanks to the  
Sheriffs of  
London, &c.

The Sheriffs of *London* were also called in, to whom Mr. Speaker spake as followeth, *That this House was very sensible of their great care and love and respect to this House, and in them to the Common-wealth, as also to the Committee of this House that sate in London; and for the special Service done this day; and hath Commanded him to give them hearty thanks for it, and to desire them to return the like to the Lord Mayor and Aldermen.*

Order Indem-  
nifying the  
Citizens for  
Guarding the  
Parliament.

Thus did they Court the People like *Abfolom*, endeavouring to steal their hearts from their Sovereign by flattering Speeches, with the same intention, that he did those of his King and Father; and to incourage them to persist in those Tumultuary Courses, it was Resolved upon the Question, *That the Actions of the Citizens of London and others, in the guarding and defence of the Parliament, or the Priviledges or Members thereof, either by the Trained Bands or otherwise, are according to their Duties, and the late Protestation, and the Laws of this Kingdom; and that if any Person shall Arrest or Trouble any of them for so doing, he doth thereby break the Priviledges of Parliament, violate the Liberty of the Subject, and is hereby declared an Enemy of the Common-wealth.*

Which Vote was carried up to the Lords by Sir *Philip Stapleton* for their Concurrence to it, which they not only readily gave, but also their thanks to the Citizens, as this rude Multitude out of the Suburbs and adjacent Countries had the honour to be stiled, for the acceptable Service of this day.

Sergeant



Sergeant Major General *Skippon*, and the other Captains of the City of *London* were also called in, to whom Mr. Speaker declared as followeth,

*That this House did take special notice of the great Care and Affection expressed by them, both in the safeguard of the Committee, while they sate in London; and for the performance of that great Service of theirs this day to the House and Common-wealth, for which he was Comanded by the House to give them thanks; and further to acquaint them, that for their better satisfaction, that the House had Voted, that the actions of themselves and other the Citizens of London in preserving the Priviledges of Parliament, and the Members thereof, were done according to the Law, and their Duty and Protection.*

It is one of the most Elegant Expressions of the Royal and Divine Poet, when he couples so significantly the Raging of the Sea with the Madness of the People; and certainly never was there raised a more violent Storm, then this which was blown up by the Tempestuous Breath of the Faction; and such was the Ambition of the Populacy to signalize themselves upon this occasion, that they looked upon it, and lamented it as a misfortune, not to have the principal part in the Actions of this days Tumultuous Solemnity, as appears by the following Petition, which as a favour to their good intentions, was by Vote of the House entred upon the Commons Journal in these Terms.

*To the Honourable the House of Commons in Parliament Assembled.*

The Humble Petition of the Trained Bands, and other Inhabitants of the City of *Westminster*.

*Humbly Sheweth,*

**T**Hat your Petitioners to their great and unexpressible Grief, lying under many heavy Pressures and Distractions, but especially for that there have been some Doubts and Jealousies raised, of your Petitioners Duty and Affections to this Honourable House; your Petitioners though the last, yet not the least either in Love or Obedience, have thought fit hereby humbly to desire your protection in these great Dangers, and to assure this Honourable House, that as there are none who do more affectionately Love, so there shall not be any who shall more readily Obey, and Observe the Commands of the same, nor more willingly expose both their Persons and Estates for defence of the Rights and Priviledges of Parliament; wherein your Petitioners humbly conceive do consist the Security of Religion, the Safety of His Majesties Royal Person, and the due Execution of the Laws: In real Testimony whereof, your Petitioners humbly offer their Service to this Honourable House, when it shall please them to Command it.

And humbly pray almighty God to Crown your unwearyed endeavours with happy and good success.

A Petition was also delivered in the Name of the Inhabitants of the County of *Bucks*, by divers Gentlemen at the Bar, which was also by the Vote of the House Ordered to be Entred as followeth.

*To the Honourable the Knights, Citizens, and Burgeses of the House of Commons now Assembled in Parliament.*

The Humble Petition of the Inhabitants of the County of *Bucks*,

*Sheweth,*

**T**Hat whereas for many Years past, we have been under very great pressures, which are clearly set forth in the late Remonstrance of the House of Commons, the Redress whereof, which hath for a long time been by you indeavoured, with unwearied Pains, though not with answerable Success, having still your Indeavors frustated, or retarded, and we deprived of the Fruit thereof, by a Malignant Faction of Popish Lords, Bishops and others; And now of late to take from us all that little hope was left of a future Reformation, the very being of

January,  
1641.

Thanks given  
to *Skippon*, and  
the Captains.

*Westminster*  
Trained Bands  
Petition.

*Bucks* Petition  
Jan. 11. 1641.



January,  
1641.

\* The King  
not excepted.

Thanks to the  
Bucks Peti-  
tioners.

the Parliament shaken, and by the mischievous Practises of most wicked Counsellors, the Priviledges thereof broken in an unexampled manner, and the Members thereof unassured of their Lives, in whose safety, the safety of us and our Posterity is involved; we held it our Duties, according to our late Protestation, to defend and maintain the same Persons and Priviledges, to the uttermost expence of our Lives and Estates; to which purpose, we are now come to make the humble tender of our Service, and remain in Expectation of your Commands and Orders, to the Execution whereof, we shall with all alacrity Address our selves, ready to live by you, or Die at your Feet \* against whomsoever shall in any sort illegally Attempt upon you.

May it therefore please this Honorable Assembly, to assist the Ardent Prayer of your Petitioners, that the Popish Lords and Bishops, may be forthwith outed the House of Peers; That all Priviledges of Parliament, yours and our Posterities Inheritance, may be confirmed to you; And that all evil Counsellors, the *Achans* of the Common-Wealth, may be given up to the Hand of Justice, without all which, your Petitioners have not the least hopes of the Kingdoms Peace, or to reap those glorious Advantages, which the 14 Months Seed time of your unparalell'd endeavors hath given to their unsatisfied Expectations.

*So your Petitioners shall be bound to pray, &c.*

The Petitioners being called in, Mr. Speaker acquainted them, *That this House had read their Petition and finds in it, an Expression of great Affection for the maintenance of the Priviledges of Parliament, with their Lives and Fortunes; and that the House hath commanded him to return this Assurance from them, That they shall also spend their Lives and Fortunes, in maintenance of Religion, the Priviledges and Liberties of the Subjects of those Counties, Cities and Burroughs, for which they serve; and for the Petition it self, they will take it speedily into Consideration.*

Then they desired leave to speak a Word more, which being granted, they said, *They had a Petition to deliver to his Majesty, which they humbly desired this House to present for them, or to direct them the best way and manner how to present it.*

Which Petition being received and read, and they called in again, Mr. Speaker said that the House had commanded him to acquaint them, *That their Demeanor and Carriage hath been so fair in this Business, and their Judgment and Discretion are such, as this House makes no doubt, but they know how to present it to his Majesty. If 10 or 12 go with it, it is conceived it will be most convenient.*

The galloping Bill to enable the two Houses to adjourn themselves, was thrice read, and then posted up to the Lords, where it rid three Stages more, as before is mentioned, in order to the Royal Assent.

The Petition of the Inhabitants of *Bucks*, which was delivered to his Majesty at *Windsor*, was in these Words.

To the Kings most Excellent Majesty.

The humble Petition of the Inhabitants of the County of *Buckinghamshire*,  
*Sheweth,*

*Bucks* Petition  
to the King  
concerning  
*Hampden*.

**T**Hat your Petitioners having by vertue of your Highness Writ chosen *John Hampden* Knight for our Shire, in whose Loyalty we his Countrymen and Neighbours have ever had good cause to confide: However of late, to our no less amazement then grief we find him with other Members of Parliament, accused of Treason: And having taken to our serious consideration the manner of their Impeachment, we cannot but (under your Majesties favour) conceive that it doth so oppugne the Rights of Parliament, to the maintenance whereof our Protestation binds us, that we believe it is the malice, which their zeal to your Majesties Service and the State, hath contracted in the enemies to your Majesty, the Church, and Common-wealth, hath occasioned this foul Accusation, rather then any deserts of theirs, who do likewise through their sides wound the Judgment and Care of us  
your



your Petitioners, and others, by whose choice they were presented to the House:

*Your Petitioners therefore most humbly pray, that Master Hampden, and the rest that lye under the burden of that Accusation, may enjoy the just Priviledges of Parliament.*

And your Petitioners shall ever pray, &c.

To which his Majesty returned this Answer.

Windsor, 13 Jan, 1641.

**H**is Majesty being graciously pleased to let his Subjects understand his care, not knowingly to violate in the least degree any of the Priviledges of Parliament, hath therefore (lately) by a Message sent by the Lord Keeper, signified; That he is pleased, because of the doubt that hath been raised of the manner, to Wave his former proceedings against Master *Hampden*, and the rest, mentioned in this Petition; concerning whom, his Majesty intends to proceed in an unquestionable way. And then his Majesty saith, It will appear that he had so sufficient Grounds to question them, as he might not in Justice to the Kingdom and honour to himself have forbore: and yet his Majesty had much rather that the said Persons should prove Innocent, then be found guilty; However he cannot conceive that their Crimes can in any sort reflect upon those his good Subjects, who elected them to serve in Parliament.

It is Incredible what Advantages the Faction made of this Action of his Majesties, in going to the Commons House in Person; it shocked even many of his best Friends, to that degree, that they knew not what Construction to make of it; insomuch that the Lord Mayor, Aldermen and Common-Council Men, Many of which were Loyal Men, yet in this Epidemical Petitioning time, they were also seized with the Petitioning Disease, for however warrantable modest Petitioning may be, yet this sort of it was really the Effect of a distempered and crazy State, and did extremely promote all the insuing Mischiefs, and that State Calenture, for which *England* was forced to bleed so severely. The Petition together with his Majesties most excellent Answer, were as follows.

To the Kings most Excellent Majesty.

The humble Petition of the Mayor, Aldermen, and Common Council, of the City of *London*.

**M**ay it please your most excellent Majesty; the often expressions of your most gracious acceptance of the manifestation of the Petitioners duty and loyalty, and the frequent Declarations of your Majesties great care of the good and welfare of this City, and of the true Protestant Religion, and of protecting and preserving the Persons and Priviledges of your great Council assembled in the high Court of Parliament: Each encouraged the Petitioners to represent the great Dangers Fears and Distractions wherein the City now is by reason of the prevailing progress of the bloody Rebels in *Ireland*, fomented, and acted by the Papists and their Adherents, and want of Aid to suppress them, and the several intimations they have had both Forreign and at Home, of the driving on of their Designs, tending to the utter ruin of the Protestant Religion, and of the Lives and Liberties of your Majesties loyal Subjects, the Putting out of Persons of Honour and Trust from being Constable and Lieutenant of the Tower, especially in these times, and the Preparations there lately made, the fortifying of *Whitehall*, with men and Munitiion in an unusual manner: Some of which men with provoking language and violence, abused divers Citizens Passing by, and the drawing divers swords, and therewith wounding sundry other Citizens in *Westminster-hall*, that were unarmed: the late endeavours used to the Inns of Court, the calling in divers Canonneers and other assistance into the Tower, the late Discovery of divers Fire-works in the hands of a Papist, and the mis-understanding betwixt your Majesty and Parliament, by reason of misinformation, as they humbly conceive.

Besides all which the Petitioners fears are exceedingly encreased by your

January,  
1641.

The Petition of the Lord Mayor, &c. of the City of *London* concerning the Kings going to the House of Commons.



*January.**1641.*

Majesties late going into the House of Commons attended with a great multitude of armed men besides your ordinary Guard, for the apprehending of divers Members of that House, to the endangering of your Sacred person, and of the persons and Priviledges of that Honourable Assembly.

The effects of all which Fears do tend, not only to the overthrow of the whole Trade of this City and Kingdom, which the Petitioners already feel in a deep measure, but also threatens the utter ruine of the Protestant Religion, and the Lives and Liberties of all your loyal Subjects.

The Petitioners therefore most humbly pray your Sacred Majesty, That by the advice of your great Council in Parliament, the Protestants in *Ireland* may be speedily relieved, The Tower put into the hands of persons of trust: That by removal of doubtful and unknown persons from about *White-hall* and *Westminster*, a known and approved Guard may be appointed for the safety of your Majesty and Parliament, and that the Lord *Mandevill* and the five Members of the House of Commons lately accused, may not be restrained of Liberty or proceeded against, otherwise then according to the priviledges of Parliament.

*And the Petitioners (as in all duty bound) shall pray for Your Majesties most long and happy Reign, &c.*

*His Majesties Answer to the Petition of the Mayor, Aldermen, and Common-Council of the City of London.*

**H**is Majesty having fully considered the matter of this Petition, is graciously pleased to declare, that being unalterably resolved to make good all his Expressions and Declarations of his care of this City, Of the true Protestant Religion, and of the privileges of Parliament; His Majesty takes in good part, the intimation given by the Petitioners of the fears and distractions wherein the City now seems to be. And though He conceives He did on Wednesday at the Guild-hall satisfy most of those particulars, is pleased to add this further Answer.

1. That for the sad business of *Ireland*, His Majesty cannot possibly express a greater fence then He hath done, there being nothing left on His Majesties part unoffered or undone. And He hoped by the speedy advice and assistance of His Parliament, that great and necessary Work would be put in a just forwardness, to which his Majesty will contribute all his power: And how zealous He is and hath bin therein, will appear in a Declaration speedily to be set forth by his Majesty.

2. For the Tower: His Majesty wonders, that having removed a Servant of good Trust and Reputation, from that Charge, onely to satisfy the fears of the City, and put in another of unquestionable Reputation, and known ability, the Petitioners should still entertain those fears; and what-ever preparation of Strength is there made, is with as great an Eye of Safety and advantage to the City, as to his Majesties own Person, and shall be equally employed to both.

3. For the fortifying of *White-hall*, with Men and Munition in an unusual way: His Majesty doubts not, but the Petitioners have observed the strange provocation he hath received to entertain that Guard: That by the disorderly, and tumultuous conflux of people at *Westminster* and *White-hall*, his Majesties great Council was not onely disquieted, but his own Royal Person in danger, most seditious language being uttered even under his own windows, whilst the examination and punishing such Tumults by the course of Law were interrupted and stopped. And if any Citizens were wounded or ill intreated his Majesty is confidently assured, that it hapned by their own evil and corrupt demeanours.

4. His Majesty knows no other endeavours to the Innes of Court, then a gracious intimation, That He received the tender of their loyal and dutiful Affections with very good Approbation and Acceptance, and an encouragement given them to continue the same upon all occasions. Neither doth his Majesty know, what discovery hath bin lately made of Fire-works in the hands of any Papist.

5. For his going to the House of Commons (when his Attendants were no otherwise armed then as Gentleman with Swords) his Majesty is verily persuaded,



January,  
1641.

swaded, That if the Petitioners knew the clear grounds upon which those persons stand accused of high Treason, and what will be proved against them (which in due time they shall be acquainted with) and considered the gentle way his Majesty took for their apprehension (which he preferred before any course of violence, though that way had bin very justifiable; for his Majesty is very well assured, that it is notoriously known, that, no privilege of Parliament can extend to Treason, Felony, or breach of the Peace) the Petitioners would believe his Majesties going thither was an Act of grace and favour to that House, and the most peaceable way of having that necessary service for the apprehension of those persons performed; specially, if such Orders have bin made (which his Majesty is not willing to believe) for the resistance of all lawful Authority, as are discoursed of.

And for the proceedings against those Persons mentioned in the Petition: his Majesty ever intended the same should be with all justice and favour according to the Laws and Statutes of the Realm; to the which all innocent men would cheerfully submit.

And this extraordinary way of satisfying a Petition of so unusual a nature, his Majesty is confidently perswaded, will be thought the greatest instance can be given of his Majesties clear intention to his Subjects, and of the singular estimation he hath of the good affections of the City, which he believes in gratitude will never be wanting to his just Commands and Service.

The People were kept perpetually allarm'd, with one little Plot or another, either against the Parliament in General, or some particular Persons, the Favorites of the Faction, so it is no Miracle that they were in such heats, but rather that they did not fall into perfect Frenzy and Madnes, for want of Sleep to cool their Brains: every day produced a new Discovery, to keep them waking. And this Day one *Francis Moor* an Italian, gave in an Information to the House of Lords, That yesterday he coming towards White-Hall, he stood talking with an Irish-Man, who lives with the Lord Viscount Loftus, in the Street, and overheard one *Brian Kelly* an Irish-Man, Servant to the Earl of Arundel, speak in Italian, to one Signior *Francisco* an Italian, and say, That there was a Plot laid to kill some Lords of the Parliament, and in particular named the Earl of Northumberland, the Earl of Essex, the Earl of Holland, the Earl of Pembroke and the Earl of Leicester.

An Information of a Plot against some Lords.

Hereupon, It is Ordered, That the said *Brian Kelly* and Signior *Francisco*, shall be forthwith apprehended and attached by the Gentleman Usher attending this House, and brought as Delinquents to the Bar; which was done accordingly, and *Brian Kelly* being brought to the Bar, and charged with the Words, he denied, that he ever spake any such Words. Thereupon *Moore* was called in to confront him, and upon Oath averred what he had formerly informed.

Whereupon *Kelly* was by Order of the Lords committed to Newgate; & that Mr. Justice *Reeves* and Justice *Foster*, do presently examine the said *Kelly* and Signior *Francisco*, and all others whom they think fit to give further Informations in this Business, and report the said Examinations to the House.

Mr. Justice *Reeves* informed the House, That the Irish Man's Name, that was with *Moore* when he heard *Kelly* speak the Words, is *Philip Dnell*, Servant to the Lord *Sheffield*. Hereupon the said *Dnell* was sent for to attend the House presently, and to be Examined.

The Lord Chief Justice of the King's Bench, was also Ordered forthwith to examine *Tho. Acroie* and Signior *Francisco*, and such others as he shall think fit to examine touching the Report of the Plot, that certain Lords of this House should be killed, and to report the same to the House.

It was then moved, That Mr. Attorney General might be commanded to speak

The Attorney General ordered to justify his proceed-



January,

1641.

ings against  
Kymbolton and  
5 Members.Message from  
the Commons  
about the  
Tower.Order of Lords  
and Commons  
to set a Guard  
upon the  
Tower.Order to stay  
4 Dunkirkers  
with Ammu-  
nition, &c. for  
the Rebels.

*speak what he can, to justify the manner of Proceedings against the Lord Kymbolton, and the five Members of the House of Commons.*

Then Mr. Attorney made a Narrative of what he did that Day by the King's Directions, and when he came to justify himself as to the legality of the proceeding, and that it was agreeable to the Course of Parliament, he desired some time to prepare himself, with some particular Proceedings, which would be too long to read now, and the House gave him time till to morrow Morning.

The Commons were restless to have the Loyal Lieutenant Sir John Byron out of the Tower, and therefore a Message was sent by them to let their Lordships know, *That they are informed that there are extraordinary quantities of Ammunition carried out of the Tower, and extraordinary Stores of Provisions carried in, and therefore desire the Lieutenant may be sent for, to give an Account of these things. Which the Lords agreed to, and immediately sent for the Lieutenant and Captain Connisby, to attend both Houses of Parliament presently.*

But this was not satisfactory enough, for Mr. Pym came with a second Message to the same Effect, *And that therefore the House of Commons desire, that Directions may be given to the Lieutenant of the Tower, and the Master of the Ordnance, That no Provisions or Ammunition whatsoever shall be sent out of the Tower, without the King's Authority, signified by both Houses of Parliament: and that no extraordinary quantity of Provisions be brought into the Tower, without his Majesties Pleasure, signified by the Houses of Parliament.*

*For the putting this in Execution, the House of Commons desire that a convenient Guard may be put about the Tower by Land and by Water, and this Guard to be appointed by the Sheriffs of London, and to be under the Command of Sergeant Major General Skippon, and that the Care of the Parliament herein may be intimated to the Common Council of London.*

Whereunto the House of Lords immediately agreed. Thus did they exactly follow the Example of their Brethren of Scotland, who in the beginning of the Rebellion there, laid a Blockade to the Castle of Edinburgh, till they got it into their Power, and a Creature of their own placed in it, which was the Design now upon the Tower of London.

And these Messages produced the following Order.

*Ordered by the Lords and Commons in Parliament, That the Earl of Newport, Master of the Ordnance, and the Lieutenant of the Tower for the time being, their Deputies or other Officers, shall not permit or suffer any Ordnance, Ammunition or other Provisions whatsoever, to be carried out of the Tower, nor permit extraordinary Increase of Waiters, or any Provision of Victuals in any extraordinary Quantity, or Proportion to be brought into the Tower, without the King's Authority signified to both Houses of Parliament.*

*And for the better Safeguard of the Tower, It is further Ordered by both Houses of Parliament, That the Sheriffs of London and Middlesex shall appoint and place a sufficient Guard about the Tower, both by Land and Water, under the Command of Sergeant Major General Skippon, Commander of the Guards of the Parliament; and that these Guards be careful to see the former Order observed: And the said Sheriffs are required to intimate to the Common Council of London, in what manner the Lords and Commons have provided for the Safety of the Tower.*

Then an Order was directed to the Lord Admiral to stay four Ships lately come from Dunkirk, with Arms and Ammunition for the Rebels in Ireland: also, the like Order to the L. Duke of Richmond, Constable of Dover-



Dover-Castle, and Lord Warden of the Cinque-Ports, and to the Earl of Portland, Captain of the Isle of Wight.

The Houle was informed that the Lieutenant of the Tower was served with the Order, and after he had read it, he said, *That he was very desirous to attend the Houses of Parliament, according to the Order, but conceived he could not come without his Majesties leave first obtained, in respect he hath received a Warrant from his Majesty, with a Command not to depart out of the Tower, without his Majesties leave, but to reside there.* A Copy of which Warrant the Lieutenant sent to the Parliament, and Captain Conisby was called in and attested the same; producing this following Warrant:

CHARLES R.

**T***Rusty and Well beloved; We greet you well: Forasmuch as in these Tumultuous times, We have thought it necessary that the Tower of London, where remains not only Our Principal Magazine of Arms and Munition, but also Our Records, and other Matters of great Importance, should be always very well Ordered, and that all the Officers and Guard there should be all Resident to perform their Duties; Our Will and Command therefore is, That you fail not to reside constantly in Our said Tower, to see the Guard there to perform their severall and respective Duties, and that you (at no time) go out of Our said Tower, upon any occasion whatsoever, without first acquainting Us therewith, and receiving Our leave and Order for the same; and herein We expect that you fail not, as you tender Our displeasure, and will Answer the contrary, for which, these shall be your sufficient Warrant. Given under Our Signet at Our Court at White-Hall, the 10th day of January in the 17 Year of Our Reign.*

To Our Trusty and Well-beloved Sir John Byron  
Knight of the Bath, Lieutenant of Our Tower of London:

Whereupon the House conceived, That the Lieutenant of the Tower had committed a high Contempt to the Order of this House in not coming, notwithstanding the King's Warrant, because the King's Command is always supposed to be in an Order of this House.

And after much debate, a Message was sent to acquaint the Commons with the whole Matter.

A Message was then brought up from the Commons by Mr. Nathaniel Fines, *That whereas the House of Commons hath been informed, That Collonel Lunsford and the Lord George Digby, Son to the Earl of Bristol, with others, have gathered together Troops of Horse, and have appeared in a Warlike Manner at Kingston upon Thames within the County of Surrey, where the Magazine of that Part of the Countrey lies, to the Terror and Fright of his Majesties good Subjects, and Disturbance of the Publick Peace of the Kingdom; the House of Commons hold it fit, that particular directions be sent, to the Sheriffs of Surrey and Middlesex, Bucks and Berks, for the suppressing of such Assemblies being contrary to Law, and to take some Course, for the securing of those four Counties, and the Strand and Westminster and the Magazines thereof; and for the suppressing of all unlawful Assemblies, that are gathered together, to the disturbance of the Peace of the Kingdom; and they to be required to call in the Justices of the Peace, and Train'd Bands of the Counties for their Assistance herein, and to give a speedy account of their Proceedings therein, to the Parliament.*

The House of Commons do also desire their Lordships to take Order, That the Lord Digby, a Member of this House be required to give his Attendance here: And further they desire, That an Order may be sent from both Houses to the Governor of Portsmouth, requiring him, that he do not deliver up the Town, nor receive any Forces into it, but by his Majesties Authority signified by both Houses of Parliament.

And Lastly, Whereas the Common Council of London hath appointed a Committee to consider of the defence and safety of the City; and that the Resolution of the said Committee

January,  
1641.

Lieutenant of  
the Tower's an-  
swer to the  
Order to at-  
tend the Par-  
liament.

The King's  
Warrant to  
Sir John Byron  
Lieutenant of  
the Tower.

Information  
against Lord  
Digby & Col:  
Lunsford.

Portsmouth.

Common-  
Council.



January,  
1641.

Lords Dissenting from the Vote about Portsmouth.

Earl of Southampton questioned for Words.

Votes of the Commons concerning the Lieutenant of the Tower.

Search to be made about the Commons House.

Calcot the Informer of Lunsford's being at Kingston with 500 Horse.

Committee can take no effect, until they be communicated to the Common Council; the House of Commons desires their Lordships to joyn with them in an Order, That the Lord Mayor shall call a Common-Council together as often, and at such times, as shall be desired by the said Committee; and that whatsoever Order the said Lord Mayor hath or shall receive from either of the Houses of Parliament, shall be imparted to the said Committee.

To the first part of this Message the Lords agreed. To the second, That the Lord Digby have notice to attend this House, if he be at Kingston, or at Court, but if he be gone to Sherborn to fetch up his Lady, he is to go on his Journey. To the third: It was Resolved, &c. That this House will joyn with the House of Commons, concerning the Governor of Portsmouth.

These Lords following, before the Question was put, Desired their Right of entring their Dissent to this Vote, if it were carried against them; Which the House gave way unto, viz. Earl of Southampton, Lord Mowbray, Lord Wentworth, Lord Pierpoint.

To the latter part of the Message concerning the Common-Council, the House agrees therein with the House of Commons, and the next day they were drawn into formal Orders of both Houses.

The Earl of Southampton speaking some Words in the Debate of this Message which the House conceived to reflect upon the Honor of the House, which were, That the Parliament had neglected their Duty to the King, for the safety of his Person; Upon which his Lordship was put to explain himself, which being done, these Resolutions passed.

Resolved, &c. Nemine contradicente, That this Parliament have performed their Duties to the King, for the Safety of his Person.

Resolved, &c. That the Earl of Southampton hath satisfied this House with the Explanation he now made of himself.

A Message was then brought from the House of Commons by Sir Philip Stapleton, being two Votes concerning Sir John Byron Lieutenant of the Tower, to which they desired the Concurrence of the Lords.

(1.) That Sir John Byron, the now Lieutenant of the Tower hath committed a high Contempt against the Authority and Priviledges of Parliament, in refusing to appear upon the Summons of both Houses of Parliament. To which the Lords agreed.

(2.) That Sir John Byron, the now Lieutenant of the Tower shall be sent for as a Delinquent.

The Lords deferred giving any Resolution of this last Vote at this time.

In the Commons House it was this day Ordered, That another Lock be set upon the Door under the Stairs at the Door of the Commons House; and that Mr. Bell keep the Key, and search it every Morning; also, that it be referred to the Committee appointed to search about the Houses and Places near the Parliament House, to take daily care that all Places thereabout, be safeguarded and kept Secure.

Mr. Theophilus Calcot gave the House Information of many Horse under the Command of Collonel Lunsford, were Lodged at Kingston upon Thames, to the number of 500 or thereabouts, That there came Yesterday two Loads of Ammunition; that there was last night Captain Thomas Howard a Member of the Commons House, and as they say, had a Command of some Men there; Which occasioned the Message before mentioned.

It seems the Information did not agree, for afterwards Mr. Hollis reported from the Committee appointed to consider of this Information, That there were about 200 Men there, that they have Pistols, and discharge them, and carry themselves in a disorderly Manner, to the Terror of the People. And in reality, all this great Army at Kingston was only the



the Lord Digby and his ordinary Retinue: But every thing was Multiplied and Magnified to the highest degrees, and whether true or false it did the business Effectually, and kept up the Fears and Jealousies of the People, and confirmed them in the belief of strange Plots against the City and Parliament.

Then Mr. Solicitor *St. Johns*, Mr. *Whitlock*, Sir *H. Anderson*, Sir *Gilbert Gerrard*, Mr. *Green*, Sir *John Holland*, Mr. *Whistler*, Sir *H. Mildmay*, Mr. *Rigby*, Mr. *Boduile*, Mr. *Grimston*, Sir *Martin Lumley*, Sir *Edward Hungerford*, Mr. *Cave*, Sir *Edward Patherich*, Serjeant *Wild*, Sir *Thomas Barrington*, Mr. *Ashton*, Mr. *Moore*, Mr. *Strode*, Sir *J. Evelyn*, Mr. *Noble*, Sir *William Massam*, Mr. *Lisle*, were appointed a Committee, to take into consideration, the drawing of a Letter or other Declaration, to be presented to the Lords, and by both Houses to be publish't in Print, and sent into all the parts of the Kingdom, advising them with all Expedition to be in a readiness and a good posture of Defence, upon all occasions, to defend their several Counties from Invasion by *Papists* or other ill affected Persons, and to declare the several Designs, that this quarter of a year last past hath been against the Parliament and safety of the Kingdom.

It was also Ordered, That 2000 l. of the Pole Money shall be paid by the Lord Mayor of York, to Sir John Hotham for the service of Hull.

It was also Ordered, upon the Information of Mr. *Thomas Blunt*, That the said Mr. *Blunt* and Mr. *Gibbon*, or either of them do forthwith make diligent search in the House of Mr. *Anthony Roper* in Kent, at *Eltham*, or any other suspected place, for Arms and Ammunition; and if they find any there, to Seize the same, and to apprehend the Person of him, or any other Suspected Persons, and to take Examinations touching this matter, and to use their best indeavours for the Apprehending of Mr. *Cecil Cave*. Who (as *Blunt* said he had been informed,) had given out, that ere long Blood would be Sold as cheap as Milk.

The Serjeant was ordered to repair to the Queens Millener, and require him forthwith to attend the House, with the Paquet of Letters which he this day received by the French Post, directed to Mr. *Crofts*.

*Joseph Lee* a Waterman informed the House of some great Saddles going to *Kingston* by water, whereupon, the Serjeant was commanded to Seize them; And an Order was sent to the Justices next *Hampton* Town, to make stay of some Horses, that the House is informed are now in the Stable of one Mr. *Robinson*, until this House shall take further order.

An other Order to Sir *John Franklyn* and Mr. *Whittacre* to search the Lodgings of Sir *James Hamilton* for Arms and Ammunition, and to Seize the same, and to apprehend the Persons there, or in any other place.

Information was also given of Arms at *Fox-Hall*, which being the Lord *Herberts*, he was willing they should be disposed of as the Parliament thinks fit; and therefore Sir *John Evelyn* was appointed to go with a Message, to desire the Lords to joyn with the Commons for the removing them from thence to the City of *London*, to be there securely kept, in regard of the Danger of these times, and the weakness of that Place, the Situation of it so near the Houses of Parliament, and the conveniency of Water, and the Forces that are now Assembled at *Kingston*.

January,  
1641.

The Committee to draw the Declaration to be sent into all Parts of the Kingdom, to put themselves into a Posture of Defence.

Search for Arms at Mr. Ropers at Eltham in Kent.

Letters to Mr. Crofts opened:

Order to Seize Saddles and Horses.

Search for Arms at Sir James Hamiltons Lodgings.



January,  
1641.

Thursday,  
Jan. 13.

Thus did they amass a multitude of Informations, searched all corners for Arms and Ammunition, to countenance the Noise of a Plot against the Parliament; but truly with very little success, most of these hopeful Plot Eggs proving Addle, and Dwindling into nothing more then serving the present turn of keeping up the People in a belief of this Horrible Plot against the Parliament.

The House of Lords being informed that one *James Hanham* a Recusant of *Holle-Well* in *Somerset-shire*, had Arms for 40. Foot, and 20. Horse, and three Pieces of Brass Ordnance, which causeth great terror to his Majesties good Subjects; It was Ordered that the Sheriff of that County and the two next Justices of the Peace, should Seize and take into their Custody the Arms and Ordnance that they shall find in the House of the said *Hanham*, and keep them for his Majesties Use and Service.

A Message was then brought from the House of Commons by the Lord Grey of Grooby, to let their Lordships know, *That they find abroad under the hand of the Clerk of this House Articles of High Treason, and of other Misdemeanors against the Lord Kymbolton, and five of the Members of the House of Commons; and they desire to know how those Articles came into this House.* To which the Answer was, *That these Articles were brought into this House by Mr. Attorney General.*

The Lord Keeper, next, Reported to the House, *That he had waited on the King, and according to their Lordships command, he had moved his Majesty from both Houses, that he would be pleased to give his Royal Assent to the three Bills lately passed both Houses; and likewise hath acquainted his Majesty with the Order made concerning the putting of Sir John Hotham into Hull, for the securing of the Town and the Magazines there: And his Majesty returns this Answer.*

The Kings answer concerning the three Bills passed.

(1.) *Concerning the Bill for pressing of Marriners, and concerning the Captives of Algier, his Majesty is content to pass his Royal Assent for them; for that purpose he hath given Warrant for a Commission: But for the Bill of giving Power to the Houses to Adjourn into London, his Majesty says, in regard neither he, nor any of his Council hath seen it, he will take some time to consider of it before he resolves any thing therein.*

(2.) *For the Fears concerning Hull, his Majesty hath formerly considered the same, and hath already taken Special care for the security of that Place, from the adjoining Papists.*

Likewise his Lordship Reported, *That his Majesty had commanded him to deliver this answer to both Houses, touching the Lord Kymbolton and the five Members of the House of Commons:*

The Kings Message concerning the Lord Kymbolton, and the 5 Members.

*That his Majesty taking notice, that some conceive it disputable, whether the Proceedings against the Lord Kymbolton, Mr. Hollis, Sir Arthur Haslerig, Mr. Pym, Mr. Hambden and Mr. Strode, be Legal and Agreeable to the Priviledges of Parliament; and being very desirous to give Satisfaction to all Men, in all matters, that may seem to have relation to Priviledges, is pleased to wave his former Proceedings, and all doubts being by this means settled, when the Minds of Men are composed, his Majesty will proceed thereupon in an unquestionable Way; and assures his Parliament, that upon all occasions he will be as careful of their Priviledges, as of his Life and his Crown.*

Whereupon it was Ordered, *That this Answer be Communicated to the House of Commons.* Upon



Upon this occasion I find a Speech of the Earl of *Monmouth's* made this day in the House of Lords, which because it takes notice that the King did not think himself safe at *White-Hall*; I have here inserted: and I find this also confirmed, in a little Book written by Mr. *Howell*, and Dedicated to the late Usurper, where recounting the Transactions of those times, he said, "*That the King rather then Expose himself to such bare Indignities as were offered to him, during these Popular Riots, and there being Dark Whispers, of an attempt upon his Person; He Retired to Hampton Court, and thence to Windsor Castle, &c.*" The Earles Speech was as follows:

My Lords,

I Shall desire to be heard speak a few Words, which I would much rather have heard spoken by any of your Lordships, that so they might have a happier and a more handsome Expression; though with a better Heart, and clearer Intentions they could not have been spoken.

The sad Condition we are now in (My Lords) is such, as is too apparent to any Man, who hath but half an Eye: the City of London is full of Jealousies and Apprehensions, we sit not here free from Fears; the King hath with-drawn himself from hence, together with his Queen and Children, out of a belief, (as I conceive) that his Majesties Person was not safe here. While things continue in this Posture (My Lords) we may well fear an impairing, we can hardly hope for the bettering of Affairs: God hath plac'd us (My Lords) in the Medium betwixt the King and his People; Let us play our Parts (My Lords) Let us do our Duties, and discharge our Consciences; Let us really prove, what we are by Name, Noblemen: Let us endeavor to work a perfect and a true Understanding, between the King and his People: Let us freely unbosome our selves to his Majesty; and desire that his Majesty will be pleased to do so to us; and to this end, (My Lords) which is the end of my Motion, if it shall be approved of by your Lordships, I do humbly move, that by way of Conference, or any other way, we may desire the House of Commons to joyn with us; first in an humble Petition to his Majesty, that he would be graciously pleased to return to his good City of London, as the safest Place we conceive for his sacred Person, in these distemper'd Times; and then that they will likewise joyn with us in a Profession or Protestation, that we will do what in us lies, to free his Majesty from his Fears; to take from the Citizens of London, and his Majesties other Subjects their Jealousies and Apprehensions; and that we will Live and Dye his Majesties faithful Advisors, Counsellors and Loyal Subjects.

The Lieutenant of the Tower being come, was brought to the Bar as a Delinquent, and the Lord Keeper, by direction of the House, asked him, *Why he committed the high Contempt Testerday, in refusing to attend both Houses of Parliament, according to the Order served upon him.* Hereupon he Answered, *That he was between His Majesties Commands and their Lordships Order, but he understanding since, that the King's Command is included in their Lordships Order, and one in Effect, he desired their Lordships Pardon for his not coming Testerday, protesting he did it not out of any Disobedience or Contempt of the Parliament.*

January,  
1641.

*Howells* Inspections into the Carriage and Consuls of the long Parliament, pag. 97.

The Earl of *Monmouth's* Speech in the Lords House, January 13. 1641.

Lieutenant of the Tower at the Bar as a Delinquent.



January,  
1641.

The Attorney  
General justifies his proceedings against Kymbolton, &c.

This being done he withdrew, and the Lords sent to the Commons to acquaint them, *That the Lieutenant of the Tower had been at the Bar, and the Answer he gave* : And after some Attendance it was Ordered, *That the Lieutenant of the Tower shall be dismissed of his Attendance for the present, until he have further Order to attend this House.*

The Bishops were also this day Ordered to put in their Answers upon Monday next ; and this Order was sent to the House of Commons by Sir Robert Rich, and Mr. Page, to give them Notice to be present, if they think fit.

The Attorney General was then heard what he could say to justify himself, for charging the Lord Kymbolton and the five Members, that it was a Parliamentary proceeding, and no breach of Priviledges.

And first, he said, *That for the matter of the Charge, and the framing of the Articles, he had nothing to do with them, neither did His Majesty advise with him therein, but the bringing of the Charge into this House, which he did by His Majesties Command, and only in Obedience thereunto* : And for the Legality of this proceeding, he insisted upon, and opened at large the whole proceeding of the King's Attorney in the Earl of Bristol's Case, 1 & 2 Car. which being done, *The House appointed to take this business into further consideration to morrow.*

The Lord Kymbolton, upon His Majesties late Message concerning himself and the five Members, moved, *That since His Majesty waved the former proceeding, the House would become Suitors to His Majesty, that he may be brought to as speedy a Tryal as may be, that so he might not lye under this Accusation, but be cleared or judged.* And truly he could in no sense be blamed for that, especially considering, that to be well assured of the favour of his Judges, must needs give any Person a desire to come to a Tryal, where he hopes to be acquitted, and is in very little apprehension of a Sentence.

The Commons desire to examine the Attorney General.

The Commons having desired liberty to Examine the Attorney General, upon certain Interrogatories, he made it his humble Request to the House, *That he may be excused from answering to any Questions to discover what the King hath Committed to him as secret Council, where by his Oath he is bound not to reveal ; but what concerns himself he would willingly and ingeniously Answer unto.* And it was the sense of the House, *That if Mr. Attorney at the Conference shall desire not to Answer to some Questions as may be asked him, the House will take it into Consideration, whether it be fit for him to Answer or not.*

A Message was brought from the House of Commons by Mr. Whitlock, *That he was Commanded to present to their Lordships a Declaration, for putting the Kingdom into a Posture of Defence ; which having passed the House of Commons, they desired their Lordships to joyn with them therein, that it may be dispersed through the Kingdom.* Which was read as followeth.

A horrid Calumniating Declaration to put the Kingdom into a Posture of Defence.

**W** Hereas the Papists and other ill affected Persons within this Kingdom, both before and since the Parliament, by many Wicked and Traiterous Designs mentioned in a Remonstrance of the State of this Kingdom, have Plotted and Laboured the Confusion of this State and Government, the Subversion of the Ancient and Fundamental Laws of this Kingdom, and a division of the Body of this Common-wealth from the Head thereof, to the End they might the better Effect their Devilish and Bloody



January,  
1641.

*Bloody purposes, for the utter destruction of the True Reformed Religion, and the Professors of the same; and in further pursuance of their wicked indeavours, have and daily do contrive all possible means to bring this Kingdom into the like miserable condition of that of Ireland, as do clearly appear to the Lords and Commons in this present Parliament, by sundry Informations and Examinations produced before them; and the better to bring the same to pass here, as they have already done in Ireland, they secretly and cunningly work, to raise disturbance in this Kingdom, by high breaches of the Priviledges of Parliament, plotting to have some of the Members thereof to be Accused of High Treason, and some of them to be taken by Force out of the House of Commons, and to that End, resorting in great numbers in a Warlike manner to the very Doors of the said House, Armed with Swords, Pistols and other Weapons ready, and intending to fall upon the said House, and to have cut the Throats of the Members there, as by divers Examinations clearly appears; whereby this Parliament might have been Dissolved in Blood and Confusion, the relief of the Protestants in Ireland prevented, and an evident and speedy way opened to the Ruin of us and our Religion here in this Kingdom, but failing of their hopes therein through the great Mercy of God towards us: nevertheless they still persist in their Wicked and Traiterous Courses, Confederating themselves with Strangers, and Instigating Foreign Princes to joyn their Councils and Forces, and by Invasion from abroad, and Intestine Wars here amongst our selves, to wast the Wealth and Substance, and Tota'ly to Annihilate the True Protestant Religion, and the whole Frame of Government in all his Majesties Dominions; and building upon that Foundation great Numbers of Soldiers, Papists and other dis-affected Persons to our Existence and Well-being, have Inrolled themselves in a List under the Command of Persons fit for the Execution of their wicked Designs, and have made great preparations of Arms, Ammunition and Victuals in several Parts of the Kingdom; where they have likewise had frequent Assemblies to consult, how they might compass their detestable Machinations, and through Malignant Counsels, have prevailed so far, as to have the Tower of London, and other places of Eminent Strength and Trust, to be put in the hands of such Persons as we have just cause to suspect will adhere to them, and turn the Strength of the Kingdom against it self.*

*All which the Lords and Commons in this present Parliament Assembled, as Watch-men trusted for the good and well-fare of the Kingdom, Church and State, having taken into their serious Consideration, and Labouring by all fit means to prevent this great and threatening danger to his Majesties Royal Person, and to our Religion, Lives, Liberties and Fortunes, have thought good to give a timely Advertisement thereof, to all his Majesties Subjects of the Reformed Protestant Religion, declaring hereby, That they hold it necessary and adviseable, that with all Expedition they put themselves into a good posture of Defence, to provide fit Arms and Ammunition, and be ready upon all occasions to defend the several Counties from Domestick Insurrections, and Foreign Invasions; and that the Sheriffs, Justices of Peace, Majors, and Head-Officers within their several Limits do take Care that their Magazines of Powder, Arms, and other Ammunition be compleatly furnished, and that they cause strong Guards and Watches to be set in convenient places for the Securing themselves, and for the apprehending of such Persons, who they shall have just cause to suspect; and if upon Examination any grounds of danger shall appear,*



January,  
1641.

*appear, to give notice thereof unto the Parliament, and that all Officers take special care, that no Soldiers, Arms, or Ammunition be raised or levied, nor any Castles, Forts or Magazines delivered up without his Majesties Authority signified by both Houses of Parliament.*

This hopeful Declaration had the misfortune to become only an Abortive ; for when it came up to the House of Lords, how prevalent soever the Faction was there, yet they were ashamed to own that for a Child of Parliamentary Authority, which carried so many notorious Falshoods and Calumnies, most easie to be detected, in the Front of it ; and yet this thing which was to be imposed upon the Nation for so great a Truth, was compiled out of 3 or 4 Parcels of the same kind of Stuff, but much Coarser, which were drawn up by the Committees at *Guild-Hall*, and *Grocers-Hall* ; and out of which the Committee for this Declaration were, by the appointment of the House, Ordered to frame it ; and they accordingly licked those Monstrous and Deformed Cubbs into this Bear, which begins with the Papists, but flies directly at the Throat of his Sacred Majesty, the best Protestant in all his Dominions : And this was one of the greatest Artifices of the Faction to Sail with this Side-wind, as if they intended to fall furiously upon the Papists ; but then to make a sudden Tack, and pour in all their Broad-sides of Calumnies, Plots, and Conspiracies upon the King himself, and the Loyal and Orthodox Protestants, whom under the Notion of Malignants, Popishly-affected, and Adherents to the Papists, they still drew into the Designs which they said were laid against the Parliament, Kingdom, and the King himself, against whom the Bolt of their Thunder was always directly levell'd, though the Noise and Crack sounded nothing but Papist.

There are two or three Passages very remarkable, that I cannot but turn them upon themselves : For when they charge these Plotters and Papists, that they had a Design, *To make a Division of the Body of this Common-wealth from the Head thereof*, they themselves it seems were in that Design, afterwards putting that horrid Plot in Execution, by cutting off, not only in a Political but Literal Sense, that Illustrious Head of their Sovereign, both from his own, and the Body of the Common-wealth. And whereas afterwards they Charge this Malignant Party with a Design, *by intestine Wars here amongst our selves, to waste the Wealth and Substance, and Totally to Annihilate the True Protestant Religion, and the whole frame of Government in all his Majesties Dominions* : There certainly never was in so few words so true a Character of their own subequent Actions ; and had they sitten for their Picture in Miniature, to the fam'd *Appelles*, who used to boast of his Art, that he painted for Eternity, it had been impossible for him to draw them more exactly to the life with his Pencil, then in these words they have drawn themselves with their own Ink ; the blackness of which, though intended for the King and the Loyal Party, will, with, *an Ex ore tuo*, stick to their Memories so long as there remain any Records of time ; and Posterity will easily discern who were the Plotters to Subvert the Government, not by the Charge but the Execution : and may from hence draw this serviceable Aphorism, *That no Persons are more likely to design against a Government, or to bring the People into Slavery, then such Subjects as Arraign their Sovereign with Designs of Erecting Arbitrary Power, and introducing Popery* : Which were the two main Engines,



gines, by which this Rebellious Faction undermined, and overthrew the best Church and Government in the Christian World ; and rendred the Freest People of *Europe*, the most Abject Slaves in Christendom, to the Arbitrary Usurpations of their fellow Subjects, and Servants, in every thing that Men esteem valuable, whether Life, Liberty, Fortune, or Religion.

But whether the Lords would consent or not, the materials out of which this Declaration was drawn, being the results of several Debates of the Committee at *Guild-Hall*, and *Grocers-Hall*, got immediately into the Press, and from that Mint of mischief, flew like Lightning through the Nation, to the intolerable Scandal of his Majesty. And yet the very chief Aggravation of this Action of his Majesties, of the Insolence of the Soldiers, is by one of the News-writers of the Party and Times before mentioned, taken off from the King and his Retinue ; *Who*, he saith, *demeaned themselves Civilly* ; though this Declaration takes no notice of that : And in truth, who considers how ill the Parliament had treated the Soldiers, both during their being in Arms, and after the Disbanding, will not think it strange, for such a sort of Men who have *Mars* predominant, should be apt to vent their private Resentments, against those Persons whom the King had Impeached of Treason, and to whom they owed all their Sufferings : But to put this to the King's Score was a Barbarous injustice, which none but such Men as had shaken hands with all Respect as well as Loyalty to the King, could be guilty of. But see the Paper it self.

*A Declaration of the House of Commons, Touching a late Breach of their Priviledges ; And for the Vindication thereof, and of divers Members of the said House.*

WHereas the Chambers, Studies, and Trunks of Mr. *Denzill Hollis*, Sir *Arthur Haslerig*, Mr. *John Pym*, Master *John Hampden*, and Mr. *William Strode*, Esquires, Members of the House of Commons, upon Munday the third of this instant *January*, by colour of His Majesties Warrant have been sealed up by Sir *William Killigrew*, and Sir *William Flemen*, and others, which is not only against the Priviledge of *Parliament*, but the common liberty of every Subject : Which said Members afterwards the same day were under the like colour, by Serjeant *Francis*, one of His Majesties Serjeants at Arms, contrary to all former Presidents demanded of the Speaker sitting in the House of Commons, to be delivered unto him, that he might Arrest them of High Treason. And whereas, afterwards the next day His Majesty in His Royal Person, came to the said House attended with a great multitude of men armed in warlike manner, with Halberts, Swords and Pistols, who came to the very door of the House, and placed themselves there, and in other places, and passages neer to the said House, to the great terrour and disturbance of the members, then sitting ; and according to their duty in a peaceable, and orderly manner, treating of the great affairs of *England* and *Ireland*.

And his Majesty having placed himself in the Speakers Chair, demanded of them the Persons of the said members to be delivered unto him, which is a high Breach of the Rights, and Priviledges of *Parliament*, and inconsistent with the Liberties, and Freedome thereof. And whereas afterwards His Majesty did issue forth several warrants to divers Officers under His own hand, for the apprehension of the Persons of the said members, which by Law he cannot do ; There being not all this time, any Legal charge or accusation, or due Process of Law issued against them, nor any pretence of charge made known to that House ; All which are against the Fundamental Liberties of the Subject, and the Rights of *Parliament*. Whereupon we are necessitated, according to our duty, to declare ; And we doe hereby declare, that if any person shall arrest Mr. *Hollis*,  
Sir

January,  
1641.

The Debates  
at *Guild-hall*  
and *Grocers-  
hall* Drawn  
into a Decla-  
ration, con-  
cerning  
Breach of Pri-  
viledge, &c.  
Mr. *Glyn* Re-  
ports from  
*Guild-hall*  
*Jan. 6th.*  
1641.



January,  
1641.

Mr. Whit-  
loke's Reports  
from Grocers-  
Hall Jan. 8th.  
1641.

Sir *Arth. Haslerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Sirode*, or any of them, or any other Member of Parliament, by pretence or colour of any Warrant issuing out from the King only, is guilty of the Breach of the Liberties of the Subject, and of the Priviledge of Parliament, and a publick enemy to the Common-Wealth. And that the arresting of the said Members, or any of them, or of any other Member of Parliament, by any Warrant whatsoever, without a Legal Proceeding against them, and Without consent of that House, whereof such Person is a Member, is against the Liberty of the Subject, and a Breach of Priviledge of Parliament; And the Person which shall arrest any of these Persons, or any other Member of the Parliament, is declared a publick Enemy of the Common-Wealth. Notwithstanding all which we think fit further to declare, That we are so far from any endeavours, to protect any of Our Members, that shall be in due manner prosecuted according to the Laws of the Kingdom, and the Rights and Priviledges of Parliament for Treason, or any other Misdemeanours, That none shall be more ready and willing then we our selves to bring them to a speedy, and due tryal, being sensible that it equally imports us, as well to see justice done against them that are criminous, as to defend the just Rights and Liberties of the Subjects, and Parliament of *England*.

And whereas upon several examinations taken the seventh day of this instant *January*, before the Committee appointed by the House of Commons, to sit in *London*, it did fully appear, that many Souldiers, Papist and others, to the number of about 500. came with his Majesty on *Tuesday* last to the said House of Commons, armed with Swords, Pistols, and other weapons; and diverse of them pressed to the door of the said House, thrust away the door-Keepers, and placed themselves between the said door; and the ordinary attendants of His Majesty, holding up their Swords, and some holding up their Pistols ready Cock'd near the said door; and saying, I am a good Marksman, I can hit right I warrant you, and they not suffering the said door, according to the custom of Parliament to be shut, but said they would have the door open, and if any opposition were against them, they made no question, but they should make their party good, and that they would maintain their party; and when several members of the House of Commons were coming into the House, their attendants desiring that room might be made for them, some of the said Souldiers answered, A Pox of God confound them, and others said, A Pox take the House of Commons, let them come and be hang'd, what a doe is here with the House of Commons? and some of the said Souldiers did likewise violently assault, and by force disarm some of the Attendants, and servants of the Members of the House of Commons, waiting in the Room next the said House; and upon the Kings return out of the said House, many of them by wicked oaths, and otherwise, expressed much discontent, that some Members of the said House for whom they came, were not there, and others of them said, when comes the word? and no word being given at His Majesties coming out, they cryed a lane, a lane; afterwards some of them being demanded, what they thought the said company intended to have done answered, That questionless in the posture they were set, if the word had bin given, they should have fallen upon the House of Commons, and have cut all their throats. Upon all which we are of opinion, that it is sufficiently proved, that the coming of the said Souldiers, Papists, and others with his Majesty to the House of Commons on *Tuesday* last, being the fourth of this instant *January*, in the manner aforesaid, was to take away some of the Members of the said House; and if they should have found opposition, or denial, then to have fallen upon the said House in an hostile manner. And we do hereby declare that the same was a Traiterous design against the King and Parliament. And whereas the said Master *Hollis*, Sir *Arthur Haslerigg*, Mr. *Pym*, Mr. *Hampden*, Mr. *Sirode*, upon report of the coming of the said Souldiers, Papists, and others in the warlike and hostile manner aforesaid, did with the approbation of the House, absent themselves from the service of the House, for avoiding the great, and many inconveniencies, which otherwise apparently might have hapned: Since which time a printed paper in the form of a Proclamation, bearing date the sixth day of this instant *January*, hath issued out for the apprehending, and imprisoning of them, therein suggesting that through the Conscience of their own guilt, they were  
absent



January,  
1641.

Mr. Glyn reports from  
Grocers-hall  
Jan. 10th.  
1641.

Voted Jan.  
17th. 1641.

Committee to  
Try Frivolous  
Informations.

absent and fled, not willing to submit themselves to justice; We do further declare, That the said printed paper is false, scandalous and illegal, and that notwithstanding the said printed paper or any Warrant issued out, or any other matter yet appearing against them or any of them, they may and ought to attend the service of the said House of Commons, and the several Committees now on foot. And that it is lawful for all persons whatsoever to lodge, harbour, or converse with them, or any of them; And whosoever shall be questioned for the same, shall be under the protection and privilege of *Parliament*.

And We do further declare, That the publishing of several Articles purporting a form of a charge of high Treason against the Lord *Kimbolton*, one of the Members of the Lords House, and against the said Mr. *Hollis*, Sir *Arthur Haslerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, by Sir *William Killigrew*, Sir *William Flemen*, and others in the Innes of Court, and elsewhere in the Kings Name, was a high Breach of the privilege of Parliament, a great scandal to his Majesty and His Government: A seditious Act manifestly tending to the subversion of the peace of the Kingdom, and an injury, and dishonour to the said Members, there being no legal charge or accusation against them.

The privileges of *Parliament*, and the liberties of the Subject so violated and broken, cannot be fully and sufficiently vindicated, unless His Majesty will be graciously pleased, to discover the names of those persons, who advised his Majesty to issue out Warrants, for the Sealing of the Chambers and Studies of the said Members, to send a Serjeant at Arms to the House of Commons, to demand their said Members, to issue out several Warrants under His Majesties own hand, to apprehend the said Members. His Majesties coming thither, in his own Royal person. The publishing of the said Articles, and printed paper in the form of a Proclamation against the said Members, in such manner as is before declared; To the end that such persons may receive condign punishment.

And this House doth further declare, That all such persons as have given any Counsel, or endeavoured, to set or maintain division or dislike, between the King and Parliament, or have listed their names, or otherwise entred into any combination or agreement to be aiding or assisting, to any such counsel or endeavour, or have perswaded any other so to do, or that shall do any the things above mentioned; And shall not forthwith discover the same to either House of Parliament: Or the Speaker of either of the said Houses respectively, and disclaim it, are declared publick enemies of the State, and peace of this Kingdom, and shall be inquired of, and proceeded against accordingly.

But to proceed. This Morning Sir *Henry Vane*, Sir *Walter Erle*, Sir *Sam. Rolles* and Sir *Simon D'Ewes*, were appointed to examine the Pacquet from *France*, directed to Mr. *Crofts*, which they did, and Reported, That they found nothing in those Letters of any Consequence.

Mr. *Whittacre* also Reported, That he had searched the Lodgings of Sir *James Hamilton*, according to the Order yesterday, but found no Arms there, as was informed.

Whereupon, Mr. *Long*, Mr. *Whittaker*, Mr. *Strode*, Sir *Arthur Haslerig*, Mr. *Cary*, Mr. *Arthur Goodwin*, Sir *John Franklyn*, Mr. *Whitehead*, Sir *John Evelyn*, Mr. *Wheeler*, Sir *John Holland*, Sir *Robert Pye*, Mr. *Glyn*, Mr. *Brown*, Mr. *Reynolds*, and the Citizens for *London*, were appointed to be a Committee, and they or any three of them, to have Power when Informations come to be given to the House, to examine them, and if they find them worth the knowledg of the House, to acquaint the House therewith, and if they find them not of any consequence, to dismiss the Business and the Parties; and they have power to send for Parties, Witnesses and Writings, and to make searches as they see Cause, and to open Doors, Chests or Trunks.

There is nothing can make it more evident, then the appointing this Committee, that these People were abundantly satisfied and sensible, that they were horribly imposed upon, by frivolous Informations; and yet they were so void either of Honor, Honesty or Conscience, without due



January,  
1641.

Examination, to impose those false Informations upon the Nation, as great Truths, as particularly, the Lord *Digbie's* being at *Kingston* with 500 armed Men, which made such a noise, that the Trained Bands, and *Posse Comitatus* were raised to disperse a Rebellious Assembly, of a Coach and six Horses, and the ordinary Retinue of a Nobleman: but this was their Way, and they were not concerned to search for the truth of their Informations, but the Consequences of them, and whether they would turn to Account, to blacken the King, and inflame the People.

His Majesty had sent down Captain *Legg*, to take Charge of the Town of *Hull*, and the Ammunition there, whereupon the Commons, who had before Ordered Sir *John Hotham* to be Governor, a Committee was appointed to consider of the Bail given to the Serjeant, for any Person committed by the House to the Custody of a Serjeant, and to report their Opinion to the House, both concerning the Bail, and Persons bailed, and upon their Report, It was Ordered, *That those Lords that are Bail for Captain Legg, shall be moved to bring in Captain Legg forthwith, and the Serjeant is to move those Lords accordingly.*

Gunners of the  
Tower examined by the  
Commons.

The Officers and Gunners of the Tower having been Summoned to attend the House, and accordingly appearing, it was Ordered, *That Sir Gilbert Gerrard, Mr. Hampden, Sir Robert Pye and Sir Henry Mildmay, do Examine the Officers of the Tower now at the Door, what Persons suspected, have been lately put into the Tower, and to ask them if they will all take the Protestation; and to acquaint them, That this House sent for them in respect that they have a good Opinion of them, thinking they might have had occasion to use them, but at this time they have not, and so to dismiss them.*

Lieutenant of  
the Tower at  
the Commons  
Bar.

The House was then informed, *That the Lieutenant of the Tower Sir John Byron was at the Door, who was called in to the Bar, and kneeled there a while, and then rising again, delivered an humble Petition to the House, which was read, and it was Ordered, That the Serjeant should acquaint him, that the House hath read his Petition, and in due time will take it into Consideration.*

Friday,  
January, 14.

The Commons having desired the Lords to joyn with them, in an Order for several Counties, to raise Force to Suppress the pretended Army of the Lord *Digby* assembled at *Kingston*, the Lords this Day made a general Order, for suppressing all Tumults, and unlawful Assemblies throughout this whole Kingdom; as follows.

Order for sup-  
pressing Tu-  
mults.

**W** Hereas Information hath been given to the Parliament, *That the Lord Digby, Son to the Earl of Bristol, and Colonel Lunsford, with others, have gathered Troops of Horse, and have appeared in warlike Manner at Kingston upon Thames, in the County of Surrey, where the Magazine of Arms for that part of the County lies, to the Terror and Affright of his Majesties good Subjects, and disturbance of the Publick Weal of the Kingdom, It is this Day ordered by the Lords and Commons in Parliament, That the Sheriffs of the several Counties of England and Wales, calling to their Assistance the Justices of the Peace, and the Trained Bands of the several Counties, or so many of them, as shall be necessary for the Service, shall suppress all unlawful Assemblies gathered together, to the Disturbance of the Publick Peace of the Kingdom, in their several Counties respectively, and that they take Care to secure the said Counties, and all the Magazines in them.*

And



And it was Ordered to be Printed and Published in all Market Towns in the Kingdom.

January,  
1641.

Messa gecon-  
cerning the  
Prince and  
the Marquis  
of Hertford.

A Message was then brought up from the Commons, by Sir Gilbert Gerrard to desire their Lordships, *To joyn with the House of Commons, to injoyn the Marquis of Hertford, appointed by his Majesty to be Governor to the Prince, as he will answer the Breach of that Trust, that doth so immediately concern the present and future Peace and Safety of the three Kingdoms, forthwith to repair to the Prince, and according to the Duty of his Place, to take care of him, and to give his Personal Attendance on his Highness, and to be very watchful to prevent, that he be not carried out of the Kingdom. And the House of Commons do further declare, and desires the Lords will do the like, That whatsoever Person shall be advising, or assistant to the conveying of the Prince out of the Kingdom, or attend his Highness in his Journey, shall be declared and reputed a Publick Enemy to the Protestant Religion, and the Peace and Safety of the three Kingdoms. And that the Lords be likewise moved to joyn with the House of Commons, in an humble Desire to his Majesty, That he will not for any Cause whatsoever, permit the Prince to be carried out of the Kingdom, without the humble Advice and Consent of Parliament.*

Thereupon, It was Ordered, *That this House agrees with the House of Commons, in all the aforesaid Particulars, and will joyn with them in the whole, as is desired,*

And this Vote was drawn into an Order, and the Marquis of Hertford ordered to acquaint the King with it.

The Lord Marquis of Hertford being in the House, gave their Lordships this Account, *That when the King went to Hampton-Court, he demanded the Prince of him, and took him away with him in his Coach in the Afternoon, and his Majesty commanded his Lordship to stay here; his Lordship therefore desired this House would require no more of him, then he is able to perform, and as far as in him lay, he would obey their Lordships Command to attend the Prince, and if there be cause of Fear, as the Parliament Apprehends, he will give Advice thereof to the Parliament.*

Then the Earl of Bath Reported, *That he had been with the States Ambassador, to desire him, That he would give present Order to the States Ships that lie before Dunkirk, and other Ports of Flanders, for the staying of all Ships, as are laden with Arms, Ammunition or Provisions, and bound for the Relief and Assistance of the Rebels of Ireland. The Ambassador saith he had alrerdy received Intimation from the Committee of the House of Commons to this purpose, and accordingly hath sent Order to their General Van Trompe, but he desires he may have the desires of the Parliament in Writing, that upon all Occasions he may know the better what to do therein.*

Dutch Amba-  
sador desired  
to order the  
States Ships to  
stay Ships at  
Dunkirk going  
for Ireland.

A Message was brought up from the House of Commons, to desire that their Lordships would proceed upon the Bill depending before them, for taking away the Votes of the Bishops out of their House, and disabling all persons in Holy Orders for Exercising any Temporal Jurisdiction or Authority. To which the answer was returned, *That the House will proceed therein with Convenient Expedition.*

After this, the Declaration brought up Yesterday from the House of Commons, concerning the putting of the Kingdom into a Posture of Defence, was taken into Consideration, and the House was adjourned into a Committee during Pleasure, to debate the Preamble of it; and after

Declaration  
for putting  
the Kingdom  
into a posture  
of Defence, re-  
jected by the  
Lords.



January,  
1641.

much Debate, the House was resumed, and the Question was put, *Whether that the Narrative in this Declaration shall be referred to a Committee, to be so penned, as that it may appear to be the Narrative onely of the House of Commons, and thereupon to be so published; But it was Resolved by the Major part Negatively.* Whereupon their Lordships resolved to have a Conference to morrow with the House of Commons to hear the Reasons that induced them to make this Narrative in this Declaration.

Then the Lord Keeper signified to the House, *That he had now received a Letter from the King, with a Message, which his Majesty hath commanded him to deliver presently to both Houses of Parliament.* The King's Letter was then read, in these Words.

My Lord Keeper,

**T***His is to Command you, to deliver that which is contained within this inclosed Paper, as a Message from Me, to both Houses, and that instantly without delay; And so I rest*

Your Assured Friend  
Charles R.

Windsor, Jan.  
14. 1641.

The Message was as followeth.

**H***is Majesty being no less tender of the Privileges of Parliament, and thinking himself no less concerned, that they be not broken, and that they be asserted and vindicated whensoever they are so, then the Parliament it self, hath thought fit to add to his last Message, this Profession; That in all his Proceedings against the Lord Kymbolton, Mr. Hollis, Sir Arthur Haslerigg, Mr. Pym, Mr. Hampden and Mr. Strode, he had never the least Intention, of Violating the least Privilege of Parliament, and in case any doubt of Privileges remain, will be willing to clear that, and assert those, by any reasonable Way, that His Parliament shall advise him to; Upon Confidence of which, He no way doubts, His Parliament will forthwith lay by all Jealousies, and apply themselves to the Publick and Pressing Affairs, and especially to those of Ireland, wherein the Good of this Kingdom, and the true Religion, which shall ever be his Majesties first Care, are so highly, and so nearly concerned: And his Majesty assures himself, that his Care of their Privileges, will increase their tenderness of his lawful Prerogative, which are so necessary to the mutual Defence of each other, and both which will be the Foundation of a perpetual perfect Intelligence between his Majesty and Parliament, and of the Happyness and Prosperity of His People.*

Hereupon he sent Justice Foster and Justice Mallet to desire a Conference with them concerning this Message from the King.

Thus did this Admirable Prince by continual and repeated endeavors seek to bring the differences between him and the Parliament to a happy composure, but without any Effect; for the Heads of the Faction whom he had accused, and many others who were of the Confederacy, were too well acquainted with their own Guilt, to trust to a Fair and Legal Trial, and could not think themselves in any condition of Security so long as the King was undevested of his Royal Authority, and in a capacity by being possessed of the Sword of Power, to turn the Sword of

Law

The King's  
Letter to the  
L. Keeper with  
a Message to  
both Houses,  
Jan. 14. 1641.



Law and Justice against such high Criminals, as had been the contrivers and fomenters of all the Troubles and Disorders in the two Kingdoms.

January,  
1641.

Order to search the Lady Rivers's House for Arms.

In the House of Commons an Order was issued to the High Sheriff of *Suffolk*, calling to his Assistance Sir *William Spring*, Mr. *Maurice Barrow*, or either of them to his assistance, to search the House of the Lady *Rivers*, and to seize what Arms they shall find there, and put them in safe Custody.

Order to search for Arms at *Oxon*.

Another Order was issued to the Vice-Chancellor of *Oxon*, the Major, and Sir *Nathaniel Brent* Alderman of that City, or any two of them, to search the Houses of Mr. *Green*, Mr. *Napier*, at the *Starr*, and Mr. *Williams*, and any other suspected Place, for Arms, and take good Order to remove them, and put them in safe Custody, and shall likewise seize the Persons of such Recusants, as shall resort to either of these Places, or any other House or Place within the University, or City of *Oxon*.

It was also Ordered, That a Messenger be sent Post on purpose to *Portsmouth*, with the Ordinance of both Houses, and this House undertakes to see the Messenger paid.

*Bagshaw* of *Windsor* an Informer.

Then Mr. *Bagshaw* of *Windsor* was called in and did inform the House, That the last Night as he went to *Windsor*, he saw divers Troops of Horse, That there came a Waggon loaden with Ammunition last Night to *Windsor*.

That there was another Waggon, that went away from *Windsor* to *Farnham*.

That there was a Messenger gone to *Portsmouth*.

That he was informed, there were about 400 Horse in the Town, and about some forty Officers. Whereupon Mr. *Arthur Goodwin* was sent to desire the Lords to sit a while, in regard this House doth believe they shall have Occasion to come up to them, with some Matters of great Importance. And presently after Sir *Edward Hungerford* went up to the Lords to desire a Conference touching the Peace and Safety of the Kingdom.

And upon this Information, which was of the same Stamp with the other about *Kingston*, it was Ordered, That Serjeant Major General *Skippon* do take Care, That ten Horsemen be forthwith appointed to go as Scouts from time to time, to bring Intelligence, if any Forces do approach near the City, and this House will undertake that they shall be satisfied: and also to take care for the appointing of such Boats, or small Vessels, as shall be necessary by Water for the Service aforesaid, and the House will take care Satisfaction also be given to those so employed.

*Skippon* ordered to send out Scouts by Land and Water.

It is impossible to enter into the Head of any Man of Sense, that the Faction was under any real Fears from this Information; but there is another sort of Fear, a Politick Fear, which was by these preparations of Scouts by Land and Water, to perswade the City, that the Parliament had discovered some huge Plot against them, which they were so solicitous to prevent, for had the Information been true, as in probability it was very false, since *Bagshaw* does not affirm it of his own Knowledge, but by a second-hand Information, which he had met with, what occasion of Fear could 400 Men give to the City of *London*, or to the Parliament, the House of Commons being able to have given Battle to such a Number, if they should have had any Design against them, as they indeavoured to make the City and the whole Nation believe?

But



January,  
1641.

Committee  
for putting the  
Kingdom into  
a posture of  
defence.

But the Faction had a very particular Service for these strange Rumors, which they so industriously fomented and magnified; and that was by the help of these imaginary Dangers to wrest the Sword of the Militia out of His Majesties hands, for unless they had the management of it, they nor the Kingdom, as they made the People believe, could not be in any condition of Safety: And in order to this

Mr. Pierpoint,  
Sir Richard Cave,  
Mr. Hollis, and

Mr. Soliciter  
Sir Philip Stapleton,  
Mr. Chancellor of the Exchequer.

Mr. Glyn,  
Sir H. Vane,

were appointed to be a Committee to consider of some Heads, and present them to the House to morrow morning, for putting the Kingdom into a Posture of Defence.

Then his Majesties Answer to the desires of the Commons, concerning Arms for *Ireland*, was read as followeth.

His Majesties  
Answer to the  
Commons  
concerning  
Arms out of  
the Stores for  
*Ireland*.

**H**IS Majesty having considered of the Message delivered to him from the House of Commons of the 12th of this present Month, whereby it is desired, that he should give a general Warrant for delivery of Arms and Ammunition for the Service of *Ireland*, returneth this Answer, That as His Majesty hath been very careful to contribute all that possibly he could, for furnishing Provisions for the Relief of *Ireland*, so he shall be ready to give Warrants immediately from time to time, for any particulars that shall be thought fit by his Parliament, to be sent out of his Stores for that Service; and for the present hath given Warrant for the delivering 1500 Muskets, with all things to them belonging; and 500 Pikes and Corslets; and 2000 Swords, out of his Tower of London; and Arms for 500 Horse out of the Magazine of Hull.

Saturday,  
January 15.

Lord Keeper  
Reports the  
Conference  
concerning  
the Lieutenant  
of the Tower.

The Earl of Newport this day signified to the House, That he had received Warrants from the King to Transport the Arms and Ammunition desired for *Ulster*, only he wants Money and Ships to convey them.

A Conference was had between the Lords and Commons concerning the Lieutenant of the Tower, which the Lord Keeper thus Reported, That the House of Commons conceive the Tower of London to be a Place of that great Importance, that they do renew a former Motion, that their Lordships would joyn with them humbly to Petition the King, that the Lieutenant now in may be removed, and such a Person put in, as the King, Parliament, and City may confide in.

The Parliament confides not in Sir John Byron, because he hath been disobedient, and hath refused to come upon the Summons of both Houses of Parliament; not that they speak this as desiring it may be a cause of Punishment upon him, but as a ground of distrust.

The City says, Though the Lieutenant may be a worthy Gentleman, otherwise, yet he is a Man unknown to them, which already causes ill Effects, for Merchants begin to take away their Bullion out of the Mint, and write Letters to their Factors to send no more: And at the present there is a Ship come laden very richly with Bullion, but the Owners do forbear to bring it into the Mint, because they cannot confide in the Lieutenant of the Tower.

This concerns the City and Trade exceedingly, for it is a Charge to the City to maintain a Guard about the Tower, therefore the House of Commons



Commons desires their Lordships to join with them in an humble Petition to his Majesty, That Sir John Byron now Lieutenant of the Tower may be removed, and that Sir John Conyers may be recommended to his Majesty for that Place.

January,  
1641.

But before the House of Lords would give any Resolution herein, it was Ordered, That the Common-Council of the City of London, the Merchants that have Estates in Bullion, the Minters, and all others concerned, shall be inquired of, whether there be a stay of the Mint, or any forbearance of bringing in of Bullion into the Tower of London; and if there be, whether it proceeds in respect of Sir John Byron's being Lieutenant of the Tower, and heresof speedy Certificate to be made to the Lords in Parliament.

A Message was then brought from the House of Commons by Denzil Hollis Esquire.

(1.) He brought up the Bill for the Relief of his Majesties distressed Subjects of Ireland.

(2.) To desire the Lords to join with them in an Ordinance to secure 50000 l. borrowed of the Merchant Adventurers for the Affairs of Ireland.

(3.) To move the King to concur with both Houses in the Order made, giving Power to Sir John Hotham for securing the Town of Hull, and the Magazine there for his Majesties Service. To which the Answer was, That their Lordships will take the particulars into Consideration this Afternoon.

The Ordinance for securing the said Merchant Adventurers was read in these words.

**T**He Lords and Commons in this present Parliament Assembled, having a due Regard to the good Affections of the Governors, Assistants and Fellowship of Merchant Adventurers of England, expressed in the present advancing and lending of 30000 l. of Lawful Money, and forwardness to advance and lend the foresaid Sum of 20000 l. more of like Money, if their Affairs will admit the same, for the security of this Common-wealth, in the supply of the present Affairs in Ireland, which the said Lords and Commons do take in very good part, and being resolved to make a full and just satisfaction for the same, do hereby declare that the said Sum of 30000 l. and such Sum and Sums as they shall further advance and lend as aforesaid, shall be fully satisfied and paid unto the said Company of Merchant Adventurers, into the hands of their Treasurer for the time being, with Interest, after the Rate of 8 l. per cent. for a Tear, out of such Moneys as shall be next raised by Authority of Parliament.

Ordinance of  
the Lords and  
Commons for  
securing the  
Merchant Ad-  
venturers  
50000 l.

To which Ordinance the Lords agreed.

Then the Lord Keeper informed the House, That the Commission was come signed by his Majesty, for giving the Royal Assent to two Bills; one for pressing of Marriners; the other against Pyrates. Then the Lord Keeper, the Lord Great Chamberlain, and the Earl of Cumberland, three of the Commissioners being sate upon a Form set a-cross the House, between the Chair of State, and the Lord Keeper's Wool-sack, the Gentleman-Usher of the Black-Rod, was commanded to go for the House of Commons; who being come with their Speaker, the Lord Keeper acquainted the Lords and Commons, That his Majesty having such occasions, as he could not come to this House, to give his Royal Assent to the

The Act for  
the Captives  
at Argiers, and  
for pressing  
Marriners pas-  
sed by Com-  
mission.

Two



January,  
1641.

Two Bills, in Person, hath given a Commission under the Great Seal of England ; the Contents whereof was read openly ; which being done, the Clerk of the Crown was commanded to read the Titles of the Bills severally *in hæc verba, viz.*

*An Act for the freeing of the Captives of Argier, and to prevent the taking of others.*

*An Act for pressing of Marriners and Soldiers, for the present Guarding of the Seas, and the defence of his Majesties Dominions.*

Which being done, the Clerk of the Parliament pronounced the Royal Assent to them particularly, and severally in these Words,

*Le Roy le Veult.*

And then the Commons returned to their House.

After this the Lord Keeper Reported the Conference yesterday to this Effect, *That the House of Commons received Information concerning divers Forces of Horses and Armed Men in a Warlike manner, which have been seen at Kingston, and afterwards at Windsor, and now gone towards Farnham ; and that Yesterday about 100 Men were met going from London towards Windsor, Armed with Pistols ; and Waggonns were going towards Windsor, laden with Ammunition : The House of Commons say, this causeth much wonder at this time, all at Peace, and a Parliament sitting, that such Forces should be Levied ; therefore they desire that it may be declared by both Houses, That whosoever shall raise Forces at this time without Consent in Parliament, may be esteemed Enemies and Disturbers of the Peace of the Kingdom, and that both Houses will take care to suppress them ; and likewise the House of Commons desire, That a Message be sent to the King to this purpose, and to acquaint his Majesty, that both Houses of Parliament will be very careful of the Publick Peace ; and that they hold it against the Law, any Forces should be so levied : And further the House of Commons acquaints their Lordships, That the Lord Digby hath been with the Soldiers at Kingston, and given them thanks in the King's Name, and told them, That his Majesty came out of London to keep them from being trampled in the dirt ; therefore they desire that the Lord Digby may be summoned to attend this House forthwith.*

Hereupon it was Ordered, *That the Lord George Digby shall be Summoned forthwith to attend this House as a Peer of this Realm, and hereof he is not to fail.*

Directed to the Gentleman-Usher attending the House of Peers.

It will be worth the Readers while to cast his Eye a little back, upon the Information of *Bagshaw* of *Windsor* ; upon which Foundation all this Conference was built ; and as there is little doubt but *Bagshaw* saw double, so the Commons looked through their usual Multiplying Glass, and saw his single Waggon of Ammunition, turned into Waggonns ; and those few Soldiers, which he only by Report heard to be at *Windsor*, were Multiplied into an Army : But they had a Design now behind the Curtain, of seizing the Militia into their Hands, either with, or against the King's Consent ; to which this noise of raising Forces by the Lord *Digby*, was to contribute, by heightning and swelling the Peoples

The L. Keeper's Report of the Conference concerning *Bagshaw's* Information.

Order to Summon the Lord *Digby* to attend the House of Lords.



ples Fears and Jealousies, throughout the Nation, in order to smoothe their Way to this great Design, upon which these Criminals of the Faction built their own Security, though they pretended the Safety of the Nation.

But that I may give all the light I can possibly into this Affair, which filled the City and Nation with Terror and Amazement, I will present the Reader with the Lord *Digby's* Apology; which besides the clear account it gives of this *Kingston* Army, will also let in some light into other dark and obscure passages both before and after this time; and will set the Arts and Intrigues of the prevailing Faction in such a light as will plainly discover their Ambition, Cruelty and Revenge: The Paper speaks this Language.

**I**T may be wondred at, that, after well nigh a Years groaning under the most insupportable Burthen of Publick Displeasure, and Censure, I should now consider my self so much, as, in a general Calamity, to make an Apology to the World; or should hope, that at a time when so great clouds of Jealousie and disesteem hang over persons of the most clear, and unblemished Reputations, any thing I can say may reconcile me to those affections, which have been transported with so much violence to my prejudice. But whosoever knoweth me well, and the great trouble of mind I indured when I found my self (by what demerit, God is my judge, I cannot guess) fallen from that proportion of esteem with my Country (of which I was prouder then I can be of any worldly preferment) into so eminent a degree of disfavour with the representative body thereof (upon whose wisdom and Authority no man hath looked with more reverence, and veneration) that I was marked out as an Enemy to the Common-Wealth, I am sure cannot but expect from me some discovery of that fence, and that I should, at least endeavour to distinguish my misfortunes from my faults, whereby such, who are not engaged in a peremptory uncharitableness, may find cause to change the Opinion they have taken upon trust of me.

Nor am I out of hope, that the experience men have since had of the times inclination to calumny, by the declining of so many persons of Honour, and integrity in the popular estimation, may at the last, open a way to so much justice and ingenuity on my behalf, that all men may discern in their own right, that if they shall so credulously consent, upon general discourses, to sacrifice a third mans Honour, and Reputation, they shall open a door to let in ruine to themselves, and may quickly lose the advantage of their own innocence.

I shall begin my unfortunate story from the beginning of this Parliament; reflecting no further back upon the precedent, then in a remembrance of the great comfort I then receiv'd in my Countries acceptance of my first attempts in its service, at a time, as some were pleased to express it, when the Court was at the highest, whether to work upon mens ambitions, or fears. Before that time I am sure I was as unacquainted with Action, as with Envy, having kept more company with books, then with men; and being so well content with that society, that I had as little ambition, as merit to improve my condition. To this Parliament I was sent on the behalf of the Countrey wherein I lived, and truly, if I brought any passion or affection thither with me, it was my former warmth improved against those pressures, and the persons who begot those pressures, which were grievous to the people, and against these I will without vanity say, that I brought as great a resolution to discharge my conscience and my duty, as any man in that Assembly, and had the happiness for some Months, to receive that testimony. My conversation was, and I made or intended to make my friendships, with those, whose experience, and abilities, were most eminent for the publick service, and to the reputation and authority of these men, I confess, for a while, I gave my self up with as much submission, as a man could without resigning the use of his own understanding. In any thing that was necessary, or but probably pretended to be necessary, for the Common-Wealth, we never differed in the least degree; but in improve-

The Lord *Digby's* Apology giving an Account of the matter of *Kingston*, &c.



January

1641.

ments, in real alterations, which were to be govern'd by prudential motives, we were not always of one mind. And whosoever remembreth the passages of that time, must call to mind, that the first declination I suffer'd from the interest I seem'd to have, was in the business of the Church: In which having had frequent consultations with the chiefest Agents for a Reformation, and finding no three men to agree upon what they would have in the place of that they all resolv'd to remove, I agreed not with the prevailing sense, having not hardiness enough to incline to a mutation, which would evidently have so great an influence upon the peace, prosperity, and interest of the whole Kingdom. And thus, from the first debate of Episcopacy, upon the *London* Petition, all men observ'd the date of my unmerited favour began to expire: Then came on the Tryal of the Earl of *Strafford*, in the which I must say, I failed not of my duty in proving the charge and evidence, before those who were to judge of both. In the discharging of that duty, it was my fortune, by the unlucky acception of some expressions of mine, to draw upon me a sharp malignity from some persons of much interest in the House, which never failed to manifest it self, after that accident, upon every the least occasion.

About this time, I was told by a Friend, that I lost much of my credit by being observ'd to be so much at Court; I replyed, that I had not then the same justice with other men, who were there more than I, though they avowed it less; that it was a principal joy to me, to see those persons, who had been the prime Actors in the happy Reformation of this Parliament, so acceptable at Court, and likely to have so great a share in the chief places there, and the conduct of affairs for the future. That since it had pleased His Majesty to give so Plenary a Redress to all the grievances of His Subjects, and to secure them for ever from the like invasions, by such a Wall of brass as the Triennial Bill, I conceived that thence forward, there was no more to be thought on, but how in a grateful return to His Majesty to advance his Honour, and Plenty, according as before such happy settlements, I had often heard those principal intendents of the publick good most solemnly profess, and consequently, that the Court, and Countrey were, in truth, now to be all of a piece, and there would hereafter be no more cause of jealousy between them: Lastly, that, howsoever, I thought my self as likely to do good there, as to receive hurt.

The first Evidence I had of the disfavour of the House of Commons, (where I had served with all faithfulness, diligence, and humility,) was upon the printing of my Speech to the Bill of Attainder of the Earl of *Strafford*. As for the Good-Fridays Exercise which the delivery of it in the House procur'd me, I reputed that a most comfortable and eminent testimony of the continuance still of much justice and favour towards me in that Honourable House; since, after a dozen distinct charges upon the several passages of that Speech, urged against me with great strictness and acrimony, by that number of the most eminent persons there, both in abilities and interests; and at a time when certainly most men of my opinion were at their Devotions, they were not able after four hours debate to expose me, either upon the main matter, or upon the by unto the least reprehension.

For the thing it self, I will say no more of it, but that it hapned to be upon a very unpopular argument; but the cause and circumstance of the printing it, was this.

I did not find only that it was unfaithfully reported, and uncharitably interpreted, but was inform'd, that Copies went abroad of it so falsly, and maliciously collected, as made the whole Speech a justification of my Lord of *Straffords* innocence; and Sir *Lewis Dives* having heard of such a Copy in the House of a Citizen of good quality, where he heard me mentioned as a person fit to have his name fixt upon posts, that I might be torn in pieces by the people; upon that Reason earnestly desired me to give him a true Copy of what I had said in that Argument, which I did, and he forthwith gave direction for the printing it, without any privity of mine. Yet, if I had consented to it, and directed it, I profess, I should little have imagin'd, that (at a time when there was such an universal licence taken to Print every thing, of how great irreverence soever,) either to Church or State, with Impunity, a Speech made in the House of Commons, a Speech so narrowly, and severely sifted, and examined



January,  
1641.

ned there, and yet let pass without the least censure, either on the Speech it self, or the Author; that the Printing of such a Speech should rise to so high a nature, as to make me for ever incapable of any Honour or Employment in the Common-Wealth, I profess could hardly have fallen within my Reason or fears to suspect. And yet 3 months after the fact committed, after the Printing of an 100 Speeches more by other men, after my having several times sued, and pressed for a hearing, whilst I was of the House of Commons; after by his Majesties favour I had sat six or seven weeks a Member of the House of Peers, after all this, no less a Judgment (as far as the Vote of the House of Commons could contribute to it) passed upon me unheard, over and above the shame of having the Speech it self burned by the hand of the Hangman. How I bore this affliction, with what anxiety of mind to my self, with what temper and submission to that Honourable Assembly, from whence the blow came, as many of my near friends can testify the first; so the envy, or malice of no man, can reasonably and justly tax me, as unto the other. How other young men, upon no greater a stock of innocence then mine, might have suffered themselves to be transported upon such misfortunes (not to give them any other term) I leave to those to judge, who have not been so long brought up in the School of affliction.

As this censure fell upon me for many Moneths after the fault objected, so it rested within those Walls where it begun without ever desiring a concurrence from that Court, where I was only to be judged, and where I could only answer for my self, and hope for a vindication; which increased my sufferings to an unspeakable height, that I could by no means clear my self in the place where I received the wound, nor could take notice of it where I might be cleared by my Peers, for fear of breach of Priviledge of Parliament; Though my censure were known to all the Kingdome, yea, I may say to my infamy in print with forreign Nations.

Under this weight (enough to have broken a Body, and a Mind better prepared for these Exercises then mine) I suffered till the Rudeness and Violence of that Rabble, drove both their Majesties, for the Safety of themselves and their Children, to *Hampton-Court*, whither by Command I attended them. In this short Journey many Soldiers and Commanders (who had Assembled themselves, joyntly to sollicite the Payment of their Arrears for the late Northern Expedition, from the two Houses of Parliament) waited on their Majesties, and leaving them at *Hampton-Court*, provided their own Accommodations at *Kingston*, the next Place of Receipt, and still so used for the over-plus of company, which the Court it self could not entertain. To these Gentlemen, of whom few or none were of my Acquaintance; and to this Place was I sent by his Majesty, with some Expressions of his Majesties good Acceptance of their Service, and returning the same Night to *Hampton-Court*, continued my attendance to *Windsor*, whither their Majesties then repaired. I had not been there one Day, when I heard that both Houses of Parliament were informed, that I and Colonel *Lunsford*, a Person with whom I never exchanged twenty Words in my Life, had appeared in a Warlike manner at *Kingston*, to the Terror of the King's Liege People; and thereupon had Ordered, That the Sheriff of *Surrey*, and as I conceive, that all other Sheriffs throughout *England*, should raise the Power of their several Counties, to suppress the Forces, that he and I had Levied.

When first this news was brought me, I could not but slight it, as a ridiculous Rumour; for being most certain that I had never been at *Kingston*, but only upon that Message of the King's, to forty or fifty Gentlemen, totally Strangers to me, with whom I stayed not the space of half an Hour at most, and in no other Equipage, then a Coach and six hired Horses, with one single Man in the Coach with me, and one Servant riding by: I thought it utterly impossible for the most Romancy it self, at so neer a distance, to raise out of that, any serious matter of Scandal, or perjudice upon me. But when soon after, I received from some of my Friends, not only a Confirmation of that seeming Impossibility, but a particular Account of the manner of it: How some Information concerning me at *Kingston*, had been referred to the Examination of a Committee of my sharpest Enemies; how the six Coach Horses I ap-



January,  
1641.

peared with there, were turned by them into six score Horses; and that Mistake, I know not by what prevalence of my Unhappiness, or of my Enemies Credit, not suffered to be rectified by other Witnesses there, who affirmed the Truth: Finding my self in this sad Condition, but twenty Miles off, and not knowing how the People in other Places might be terrified, if reports concerning me should spread, but in a proportionable Rate, to remoter Distances, they being now derivable from such considerable Authors, I must confess, I then began to look upon my self, as a Person of that rare Misfortune, that my Reputation would not weigh down the most improbable, or impossible Accusation, but fit to receive any Imputation of Guilt, the most mischievous or malicious Instrument of Calumny could invent. And in this Condition, with no other Discontent, then not believing my Self much indebted to the World for good Usage, I procured his Majesties License, to Transport a Person of so great Inconvenience and Danger, out of his Dominions into another Countrey; and with all possible Speed removed my self into *Holland*, never suspecting that my Guilt would increase with my Absence, in the retired private Life, which I had resolved of, and did according to that Resolution, lead beyond Sea; having the Vanity of some Hope, that a little time discovering the falshood of some things believed of me, would take away the Inconvenience of other things that were but unworthily suspected. Some Weeks I rested there without any new hurt, till the falshood of a Person, to whose trust I committed a Packet, brought it to a Hand well contented with any Occasion to satisfy his own particular private Malice, and Revenge upon me; and so my Letters, one to the Queens Majesty, and the other to my Brother, Sir *Lewis Dives*, were publicly brought to be read in both Houses of Parliament; from thence new Arguments of Guilt are so far inforced against me, and the former Displeasure revived and heightened to such a pitch, that at the same time I heard of the Interception of my Letters, I found my self accused of High Treason too, and that for Levying War against the King, a Crime certainly that of all other, I could least suspect my self guilty of. And to say the Truth, it came into my Charge but by Accident; for being in general charged of High Treason, and the Impeachment in particular, bearing only, That I had appeared in Warlike manner, to the Terror of the King's Subjects; a Question was raised by a Lord or two, learned in the Law, Whether that Accusation would amount to Treason, or no, and so lieve was desired to amend the Charge, which being granted, to make sure Work, by the Statute of 25 *Ed. 3.* it was put in, that I had Levied War against the King. If I were Guilty, or suspected of so lewd a Crime, how it came to sleep so long, or if not, how these Letters (wherein upon an impartial Survey, there will not be found so much as an Opinion, as unto Peace or War) could minister Occasion for a Charge of my Levying War against the King, I leave to equal Consideration. I am far from Censuring or disputing the Resolution, or Opinion of both, or either House of Parliament; no Man receives a Stroke from thence, with more Submission and Humility, and the great Reverence I bear to it, hath made such an Impression in me, that the weight of their Displeasure, hath added many years to me; but in so neer a concernment of my Life and my Honor, that grave Assembly may give me lieve, without presuming to think their Judgments unjust, to say, their Evidence may be untrue, and the Persons trusted by them not so full of Honor, Ingenuity or Integrity, so free from Passion, Malice, Interest or Affection, as they are thought. It will be no Presumption or Disrespect to that great Council to say, that I have many Enemies, who have used all the ill Arts, their Wit or Malice could suggest, to bring this Affliction upon me, and have not in whispers, or in the dark published their Resolution to destroy me: witness the known tampering with very many Persons, both by Threats and Promises, to accuse me; their creating and cherishing such monstrous Untruths of my treating with the *Danes*, and other Foreign Power, of a great Treason of mine plotted, and discovered at *Sherburne*, with mighty Warlike Preparations there: of my being at the Head of the Rebels in *Ireland*, and the like; to make me odious to the People, to whose rage and violence they have often indeavoured to give me up a Sacrifice; the deep sense I have of my Affliction and Injuries, shall never transport me to heighten the representation of them, to the least degree



January,  
1641.

gree beyond truth; but whoever shall consider the Penalty of Treason, the Ruine and Desolation it brings to Families, the Brand and Infamy it fixes on our Memories, and shall remember that this Portion was designed to me, for going on my Master's Errand, in a Coach and six Horses, will believe that a mixture of Sorrow and Innocence, with so much Passion, as may keep them company, may well be allowed to breath it self with so much Freedome, as to present to the World, with a true and sensible Life, my Sufferings, upon whomsoever the Injustice and Inhumanity may light, of having opprest and bow'd down to the Earth, a young Man and all his Hopes, by such undeserved Calamities.

Since that time, other Letters of mine, or Copies of Letters ( possibly never sent ) have had the same Fortune, and been published to the World, to shew the Follies and Indiscretions of a Man, enough in her Disfavor before, with Glosses and Comments to inform the People, how much of the dangerous and pernicious Counsels, pretended to be then, and still on Foot, had passed through my Hands, and how great an Enemy I am to Parliaments; to this later most grievous and venomous Imputation, I hope God will have preserved me some kind of Antidote in Mens Memories, of what part I had the happiness to bear in the passing of the Triennial Bill, and to it I shall only say thus much, that I have had the Honor to be a Member of the one House, and must presume to think my self still a Member of the other; that I value the Honor, the Dignity and the Privileges of both, infinitely above the Pleasures and Benefits of Life, and if I ever wilfully contributed, or shall ever consent to the prejudice of either, I wish the Desires of all my Enemies may fall upon me.

To that of my having had so great a Hand in ill Counsels, which are expressed to be, of his Majesties removing from *London* to a place of Safety, and the like, I shall be bold to say, that the Letter to the Queens Majesty, from whence my Enemies would make the inference, hath not with any considerer the least propending of Advice any way, but is meerly an account of mine own Intentions to apply my self to his Majesties Service, either by absence, or at Attendance, according to course, that his Majesty in his Wisdom should think fit to take. Every Body knows I never had the Honor to be a Counsellor, neither have I presumed, without being questioned by his Majesty, to interpose in his Affairs: when he hath graced me with any Question, I have answered with the Freedom of a Subject, and a Gentleman. But had I bin a Counsellor, having seen what I have seen, and heard what I have heard, I, who have known such Members of both Houses, marked out by the Multitude for Blessings, and such for Sacrifice: I who can say with truth, that such of that Rabble, cryed out, The King's the Traitor; such, That the young Prince would govern better; I who can prove, that a Leader of those People in the Heat and Violence of the Tumult, cryed out, That the King was not fit to live; had I been a Counsellor, what had I been ( as the Learning of Treason was then understood ) should I not have advised his Majesty to withdraw to a Place of Safety, not from his Parliament, but from that Insolent and unruly Multitude, who had already brought into so much hazard, the Persons and the Liberty of this till then most happy Parliament, and not staying there, did so lowdly threaten Ruine, even to the sacred Person of the King? Advertise his Majesty I did of the Danger; advise him I could not, I had neither the Ability, nor the Authority.

In my Letter to the Queen, at her first coming into *Holland*, it was observed, that in that Expression, ( of welcoming her from a Country not worthy of her ) I shewed much Venome and Rancour to my own Nation. I meant it not, and must appeal to those who are best acquainted with the Civility of Language, whether the Address might not be comely to any Lady of Quality, who should upon any not pleasing Occasion, leave one Country for a while, to reside in another. And I hope e're long, to welcome her Majesty back, from a Place not so unworthy of her, unto this Nation most worthy of her, without either disparagement to *Holland*, or complement to those to whom the unworthy of that Letter was intended.

For the charge and boldness, and presumption in some Expressions of those Letters ( though I might be glad to compound my Treason, for Incivility ) since Suspicion of that depends upon the right Understanding of Language, and connexion



January,  
1641.

connexion of Words; it will be no disrespect to any, through whose Hands they have passed, to believe, that as they were otherwise intended by me, so that they are capable of other Interpretation. However, if in truth, misunderstanding, or ill breeding hath produced the other, I hope the Conclusion will only be, that I am an ill Courtier, or an ill Secretary, both which I do humbly confess, not that I am no good *English* Man, no good Subject. If in any of those Letters there were any Expressions of Discontent or Bitterness, I shall say little more, then that they passed an Examination they were not prepared for, and fell into Hands, that they were not directed to: and I am confident many honest Gentlemen, who have had the happiness to preserve their Papers from such an inquisition, and shall consider the Case they might be in, if all their secret conferences, and private Letters were exposed and produced to the publick view, will cast up these Letters of mine, in the number of my Misfortunes, without making any Addition to my Faults: and certainly, whoever shall observe the measure of my Sufferings, with any kind of indifference, will easily forgive such Eruptions of Passion, as were only vented by me to a Brother, though they came within the reach of any other Ear.

To draw now to a Period of my unfortunate story, which I cannot promise my self, from the generality, so much Charity as to vouchsafe the reading, further then mere curiosity shall lead them; I returned into *England* not with so much joy to see my Country, as hope to be admitted upon my humble Petition to his Majesty, to a fair, regular, impartial vindication of my innocency, and I protest to God, I look upon the time I may naturally hope to live with no other comfort, then as it may make me still capable of that happiness. I have follies and infirmities enough about me to make me ask the pardon of every wise and good man, but for Treason (or for any voluntary Crime either against my Sovereign, or my Country) I say it with all humility, I will not accept a pardon from the King and Parliament. By the Grace of God it shall never be said, that either the Parliament hath brought me, or his Majesty exposed me to a Tryal, my own uprightness shall constantly sollicite it, and without recourse in this to either of their favours, I will either stand a justified man to the World, or fall an innocent. But in the mean time, till it please God to bless this Nation with such a composure of the present distractions, as that Government and Law may have their rightful and comfortable course, I implore only so much charity from men, as may seem due to one, whose good intentions to his Country have been in some sort publicly manifested, whose ill are yet obscurely and improbably suggested.

To conclude, let the few years I have lived be examined, and if there be found any rancour or venom in my nature, even toward particular persons which might in time contract it self to an enmity against the State; if I have been a fomentor of Jealousies and debate, or a secret conspirer against the honour and fame of any man; If I have worn Religion as a Mask and Vizard for my hypocrisie, and underhand cherished any opinions that I have not avowed; If I have been lead by any hopes of preferment to flattery, or by the misse of it, to revenge, If I have been transported with private Ambition and been inclined to sacrifice the least Branch of the publick Peace and happiness to my own ends and advantage, let the complication of all these ills prepare a judgment of Treason it self upon me, and let me looked upon as a Man who hath made a Progress in wickedness, that a few years more added to that account, would render me a prodigy to the World; but if in truth my life hath been pleasant to me under no other notion, then as I might make it useful to my Country, and have made it my business to beget and continue a good intelligence amongst good men, if I have been then most zealous and fervent for the Liberties of the Subject, when the power of Court was most prevalent, and for the rights of the Crown, when popular Licence was most predominant; if by my continual study and practice of Religion, I have always been a true son of the Church of *England*, and by my submission and application of my actions to the known rule of the Law, I have always been a true Son of the State of *England*; if my actions have been honest and my words only doubtful; if my life only clouded with many imperfections, I hope the world will believe, I have been overtaken with too great a measure of a happiness, and every generous heart will ease me of some part of my burthen, by giving the benefit of his good opinion.

After



After this the Lord Keeper Reported the Conference with the Commons concerning the Scots Propositions to this Effect.

*That the English Commissioners, having received several Propositions from the Scots Commissioners, dated the 27th of December last, touching the sending of Men out of Scotland into Ireland; the House of Commons having considered of them have given this Answer following to them, which they offer to their Lordships Wisdom and Consideration, being certain Votes of the House of Commons.*

Die Jovis 30 December, 1641.

Resolved upon the Question, *That the House is of an Opinion, that the Towns and Castles of Carrick-fergus and Colerain shall be put into the hands of the Scots, to be places for their Retreat, Magazines and Garrisons: And that those Towns and Castles shall remain in the Scots hands, untill the Wars shall end, or till they shall be discharged of that Service; this House holds it fit likewise to accept of the Publick Faith of the Kingdom of Scotland, for the redelivery of the said Castle and Towns, and that the Kingdom of England shall give Publick Faith for the Payment of all Dues that shall arise upon this present Service.*

Resolved, &c. *That for the Provision of Victuals for the Scots Army, Money shall be advanced out of their Pay to enable them to make Provision, which they may make out of any Parts of England and Wales, to their best advantages, and that to Transport it, they shall have the same assistance for providing of Shipping from the State, that the English Army hath: And that his Majesty shall be moved to grant his License for the Transporting thereof Custom-free, Caution being given, that under colour of such Provisions, victuals be not carried to the Rebels: And if this Proposition be not accepted, then the like Provisions shall be made for them, as shall be made for the English Army: And the rest of the Article is assented to.*

Resolved, &c. *That this House holds it fit to Assent to the Scots third Proposition; and that Power shall be given to the General there to raise Horses for the Service exprest in the Article at the publick charges of that Kingdom, as they shall have occasion to use them.*

Resolved, &c. *That this House holds it fit to Assent unto the Scots 4th Proposition.*

Resolved, &c. *That the Scots shall go in the Way and Order of an Army, under their own General, and Subaltern Officers, which General shall have the same Pay that the Scots allowed, when they imployed one themselves, and that they shall have the Province of Ulster appointed, wherein they shall first prosecute the War: And to that part of the Article concerning Power to give Conditions to Towns, Castles, &c. as shall be most expedient for the Service, it is assented to, but not to give any Toleration for the Popish Religion.*

*To be treated on further, That their whole Army should be Commanded out of the Circle by the Lord Lieutenant of Ireland, if he shall think fit, before the Rebellion be totally Suppressed in Ulster; as also, that a third part of their Army may be drawn away upon occasion.*

Resolved, &c. *That the Scotch shall be entertained and paid for three Months, and that they shall have a Months Pay advanced before hand,*  
and

January,  
1641.

Report of the  
Conference  
concerning  
the Scots Com-  
missioners  
Propositions  
for the Relief  
of Ireland.

Towns in Ire-  
land to be put  
into the Scots  
hands, and the  
Publick Faith  
of Scotland  
to be taken  
for the res-  
cuing of them.



January,  
1641.

and shall be afterwards Pay'd as the English Army is. This to be the Answer to the first part of the sixth Article, the House doth assent unto the Rest.

Resolved, &c. *That the seventh Article shall be recommitted.* All which Votes of the Commons were read before the Lords, but nothing further done in it at this time.

Then a Conference was had between the two Houses touching the Kings Message, concerning the Lord *Kymbolton* and the Five Members of the Commons House; where this following Vote of the Commons was communicated to their Lordships for their Concurrence, and the Lords did *in terminis* concur with them in it, and it was Resolved, &c. *That the Impeachment made by Mr. Attorney in the House of Lords against the Lord Kymbolton and the five Members of the House of Commons, and the proceedings thereupon, is a high breach of the Priviledge of Parliament.*

Whereupon a Committee of 21 Lords, and a proportionable Number of Commons were appointed to draw an humble Petition to his Majesty, that those that did inform his Majesty against the Members mentioned in the Messages from his Majesty, may come in betwixt this and next *Thursday* to charge them, or else, that they may be freed in such a way, as the Parliament shall think fit.

In the House of Commons a Debate happened this morning concerning the Return of a Burgefs for the Town of *Arundell*, which came to this Vote; Resolved, &c. and Ordered, *That Mr. Downes who is returned a Burgefs for the Town of Arundell in the County of Suffex, under the Common Seal of the Town, by the Mayor of that Town, shall be presently Sworn and admitted as a Member into the House, until such time as the Election be Determined.*

And to make it sure that he should continue so, the Question being put for the reviving of the Committee for Priviledges, it past with the Negative.

And it was further Ordered, *That the High Sheriff of the County of Suffex, who has Returned two Indentures for the Town of Arundell, shall be Summoned to appear here at the Bar, to amend his Return.*

Then Sir *Henry Mildmay* acquainted the House, *That the Marquess of Hamilton was Yesterday informed, That this House had made an Order for the removal of a 1000. Musquets, and several Pieces of Ordnance from Fox-Hall to the City of London, for more safety in these times of trouble; He saith, That he had some Pieces of Ordnance there belonging unto him, which were given him by the King of Sweden; but however was willing, that this House should remove them to London, or elsewhere, and to remain there as the House shall think fit.*

Upon the Debate of the Conference to be desired with the Lords concerning the Lord *Digby* and the *Kingston* Business, Sir *Philip Stapleton* made this following Speech:

Mr. Speaker,

“ **I** T is the continual practice of the Devil, after any of his Works of  
 “ Darknes, and Maliciousness intended against God and his  
 “ Christ, is discovered and Annihilated by the special Power of  
 “ Divine Providence, to practice new, being always striving to  
 “ encrease his own Kingdom, always winning to himself fresh Instru-  
 “ ments,

Vote of the  
Lords and  
Commons a-  
gainst the At-  
torney Gene-  
ral.

Election for a  
Burgefs for  
*Arundell*.

Marquess of  
*Hamilton's*  
Complement  
to the Com-  
mons concern-  
ing the Arms  
at *Fox-Hall*.

Sir *Philip Sta-  
pleton's* Speech  
concerning the  
Lord *Digby* &  
Collonel *Luns-  
ford*, Jan. 15.  
1641.



January,  
1641.

ments, to yield to his Suggestions and Temptations, and Execute the same.

"I am now to speak concerning this new Treachery and Conspiracy, endeavoured to be practised by two Eminent Persons, that have especially the one of them, obtained the Favour, not only of their Prince, but applauded for their better Parts, by most of his Majesties Subjects, the Lord *Digby* and Coll. *Lunsford*; The first had the Honour to sit in this House as a Member thereof, so well approved was he both of his King and Country, none more Fervent against evil doers at the first then himself seemed to be both by his Speeches and Disputes, but in heart always as it seems Favouring the Bishops, and their Cause, although it seemed but a little, yet increasing daily more and more, grew to such strength in his opinion concerning his own worth, that he adventured to take part with the Earl of *Strafford*, trusting too much on the same, so High is Pride, that at length he presumed to oppose and set himself against the proceedings of the whole House, against the said Earl, Obstinately refusing to be admonished concerning the same; and yet keeping his Friends, many of the Lords, was by his Majesty as a Baron, called to their House, and aspiring yet higher, obtained his Princes favour, not being yet acquainted with his secret Intentions, by which means too confident of his safety, and security in his Designs, adventured openly to comply with the publick Enemies both of King and Country; As especially now with this other Person of whom I am to speak, this Collonel, being by his Majesty advanced to that dignity and trust, could not so content himself, but imitating the water Toad, seeing the Shadow of a Horse seem bigger then it self, Swell to compare with the same, and so Burst; even so this Gentleman having obtained first this Place of Command, and afterwards Lieutenant of the *Tower*, and being found of such a Malignant Spirit, that he was unfit and incapable for that great Place of Trust, and therefore removed, taking the same a great dishonour to his worth; now endeavours by Traiterous and Desperate Actions, to defend himself, and be revenged of his pretended Adversaries; and to that purpose they have between them joyntly raised Arms against the State, met together in peaceable Consultations for the good of Church and Common-wealth.

"Mr. *Speaker*, These attempts made by these Persons are of dangerous consequence, and this their Insurrection by taking up of Arms, without Warrant both from his Royal Majesty and this High Court of Parliament, only to do Mischief in raising Sedition and Contention thereby to preserve themselves from being called to an account for their desperate Actions, and Disloyal taking up Arms, will prove harder to Appease and Suppress, then any Troubles we have yet suffered.

"Mr. *Speaker*, I conceive quick dispatch in our Intentions, for the Apprehending and Suppressing these Persons, is the only means to prevent future danger: And to that purpose I desire to present to your considerations these particulars.

1. That Warrants may Issue forth for the speedy and private apprehending of them in what places soever they shall be found, and immediately to bring them before the House.



January,  
1641.

2. *If this cannot be effected, to Issue forth Proclamations for their calling in, within a certain time perfixed, under penalty of being Prosecuted and Proceeded against as Traytors to their King and Country.*

3. *That Warrants be forthwith sent for the Guarding and Securing of all the Ports of this Kingdom; and for the Intercepting of all Paquets or Letters, intended to be conveyed into Forraign Kingdoms, or any brought from thence hither.*

4. *That Order be sent down into the several Counties of this Kingdom, where it is suspected either of these Persons have any Friends, or Favourites well-wishers to their Cause; with Command to the Sheriffs, and several Officers of such Counties to stand upon their Guard, and to raise Force for their own Defence and Safety; and to endeavour by all means Possible to apprehend and suppress them, and such of their Conspiracy, as shall be taken, presently to be sent up to this House, to be Examined and Prosecuted according as they shall be found.*

5. *That Order may be made by the Parliament, that no Officer that shall be found to have a hand in this Plot, may be employed in any Service of publick Command, either for Ireland, or any other of his Majesties Dominions, or any private Affairs of this Kingdom.*

6. *That we may without further delay proceed to Sentence against all Delinquents by this Honourable House, accused for any Crime whatsoever, in whose Defence, or for whose cause these Persons now accused pretend to take up Arms.*

7. *That his Majesty may be moved Graciously to be pleased, to declare himself against these Persons, and all others that do any ways pretend to his Authority or Warrant for what they do.*

8. *And Lastly, His Majesty may be moved to avert his intended Journey for Portsmouth, for the safety and security of his Royal Person, til such time as their dangers be removed, and the Peace and Vnity of all his Majesties Loyal Subjects, be procured and settled.*

*“ And thus Mr. Speaker, having presented such things to this House, which I humbly conceive to be necessary to suppress and prevent this new danger threatned by those two Disaffected and Male-contented Persons, the Lord Digby and Collonel Lunsford; I leave the same to the further consideration of this Honourable House, desiring from my heart, that it would please God to end all the Troubles and Distempers of this Common-wealth; and that this High Court of Parliament may prove the firm Settlement of all things amiss, both in Church and State.*

*After this Mr. Pierpoint Reports from the Committee appointed yesterday, for putting the Kingdom into a Posture of Defence.*

*That the Opinion of the Committee was, and so it was by the House Resolved upon the Question, That the Knights and Burgeses of the several Counties, shall by two of the Clock this afternoon deliver in the Names of such Noble Persons, as they think fit to be appointed Lord Lieutenants in the several Counties, and that those Gentlemen of this House, that have*  
*Estates*

Mr. Pierpoint's  
Report concerning  
Posture of Defence,  
and the Commons  
Vote upon It.



*Estates in the Bishoprick of Durham, shall nominate such a one, as they shall think fit to be Lord Lieutenant in that County.*

Sir Richard Cave then acquainted the House, *That according to the Command of the House, he had returned thanks to the States Ambassador, for his affections Expressed to the service of this State; Who answered, That he thinks himself much honoured by the acknowledgements of his service from this House, and knows, that the desires of this House will be upon all occasions very acceptable to his Masters the States.*

It was also Ordered, *That Alderman Pennington and Mr. John Goodwin, do speak with the Executors of Sir James Cambell, and to desire them from this House, that in the disposing of the Estate which Sir James Cambell hath given for Charitable Uses, they will specially take into consideration the War in Ireland, which will be an acceptable service to the Common-wealth.*

Serjeant Wild then Reported the Conference had on *Thursday* night last with the Lords, concerning Mr. Attorney's Exhibiting Articles in the Lords House, against Members of this House; The Conference consisted of two Parts. First, the Narrative Part, *That these Articles Exhibited by Mr. Attorney, and entred in the Lords House, was a Breach of Priviledge of Parliament, and that in due time this House would desire that Justice may be done upon Mr. Attorney.* The Second Part, was to Examine Mr. Attorney upon certain Questions, and to receive his Answer: First, He being asked, *Whether he Contrived, Framed or advised the said Articles, or any of them, if not, then Whether he doth know or have heard, who did Frame, Contrive or advise the same or any of them?* To this he answered, *That he would deal clearly, freely and Ingeniously, and that he should say the same which he had before delivered to the Lords, and should need no long time to answer this, for that he had done none of these three, that is, neither Framed, Advised these Articles, or any of them; and would be contented to die if he hid.*

Secondly, Being demanded whether he knew the truth of these Articles or any of them, of his own knowledge, or had it by Information? To this he Answered, *He did know nothing of his own knowledge, of the truth of these Artittles, or any part of them, nor hath heard it by Information.* All that ever he hath heard concerning this was from his Master.

Thirdly, Being asked, whether he will make good these Articles when he shall be thereunto called in due course of Law? To this he Answered, *He cannot do it, nor will not do it, otherwise then as his Master shall Command him, and shall Enable him, no more then he that never heard of them can do it.*

Fourthly, Being asked from whom he received these Articles, and by whose direction and advice he did Exhibit them? He answered, *He did Exhibit them by his Masters Command, and from his hands he did receive them.*

Fifthly, Being asked, whether he had any Testimony or Proof of the Articles before the Exhibiting of them? He gave this Answer, *That he received the Command of his Majesty; but whether he had any proof then offered, or intimation of Testimony, to make good those Articles, he*  
*desired*

January,  
1641.

The Examination of Mr. Attorney General, Reported by Serjeant Wild.



January,  
1641.

*desired time to consider of it ; he was pressed again to make answer to this, but desired time to consider of it, saying there was a secret trust between a Master and Servant, much more in this Case.*

The great Design of this Examination was to have got out who were the Witnesses of this Accusation, that so they might have fallen upon them and worried them to death ; and though nothing was more justifiable then this Plea of Secrecy to which Mr. Attorney was obliged by his Oath, from which they could have no power to Absolve him ; Yet it did so Exasperate the Faction, that it was Ordered, *That some way be thought of for Charging Mr. Attorney, by this House as Criminous, for Exhibiting those Articles in the Lords House against Members of this House, without any Information or proof that appears, and that this House, and the Gentlemen Charged by him may have Reparation from him, and that he may put in good Security to stand to the Judgement of Parliament.*

Votes against  
the Attorney  
General.

And it was Resolved, &c. *That this Act of Mr. Attorney's in this Impeachment against Members of this House is Illegal, and a High Crime.*

Resolved, &c. *That the Lords shall be desired, That Mr. Attorney may put in good Security, to stand to the Judgement of Parliament.*

And Mr. Whitlock, Serjeant Wild, Mr. Hill, Mr. Glyn, Mr. Brown, Mr. Rigby, and Mr. Buller, were appointed a Committee, they or any three of them to withdraw presently, and prepare a Charge against Mr. Attorney, upon the Votes of the House.

Collonel Hill,  
and Lieutenant  
Bowles Delin-  
quents for rais-  
ing Volun-  
teers for Ire-  
land.

And that Posterity may see how Zealous these People, after all their pretensions were for the Relief of Ireland : It was Resolved, &c. and Ordered, *That Collonel Hill and Robert Bowles his Lieutenant, shall be forthwith sent for as Delinquents, by the Serjeant at Arms attending on this House, for beating up Drums and raising of Men, contrary to the Ordinance of Parliament ; And that all Constables and other Officers be assisting to the Serjeant in the Execution of his Warrant.*

*And that Mr. Whistler, Mr. Pury, Mr. Smith, and Mr. Hill, shall search in such Offices as they shall think fit, to see if any Commissions, or other Warrants have been granted to any Person or Persons for Levying of Men.*

A Paper was delivered by Mr. Hambden from the Scotch Commissioners, which was read in these words :

A Paper of the  
Scotch Com-  
missioners,  
offering their  
Mediation to  
the King, &c.

“ **O**ur Treaty concerning the *Irish* Affairs being so oft interrupted  
“ by the Emergent Distractions, gives us occasion to desire  
“ your Lordships and those Noble Gentlemen of the House of Com-  
“ mons, for to present to the Honourable Houses of Parliament, that  
“ we having taken to our Consideration, the manifold Obligations of  
“ the Kingdom of *Scotland*, to our Native and Gracious Sovereign, his  
“ Person and Government, confirmed and multiplied by the great and  
“ Recent Favours bestowed by his Majesty on that Kingdom, at his last  
“ being there, and settling the troubles thereof ; and considering the  
“ mutual Interest of the Kingdoms in Welfare and Prosperity of others,  
“ acknowledged and Established in the late Treaty : And finding our  
“ selves warranted and obliged by all means to labour to keep a right  
“ Understanding betwixt the Kings Majesty and his People ; to confirm  
“ that Brotherly affection begun between the two Nations, to advance  
“ their



January,  
1641.

“ their Unity by all such ways as may tend to the Glory of God, and  
“ Peace of the Church and State of both Kingdoms; to render thanks to  
“ the Parliament of *England*, for their assistance given to the Kingdom  
“ of *Scotland*, in settling the late Troubles thereof, wherein next to the  
“ Providence of God, and the Kings Majesties Justice and Goodness,  
“ they do acknowledge themselves most beholding to the Mediation,  
“ and Brotherly kindness of the Kingdom of *England*; and likewise to  
“ proffer our selves for removing all Jealousies and mistakings which  
“ may arise betwixt the Kings Majesty and this Kingdom, and our best in-  
“ deavours for the better Establishment of the Affairs and quiet of the  
“ same.

“ We do therefore in the name of the Parliament and Kingdom of  
“ *Scotland*, acknowledge our selves next to the Providence of God and  
“ his Majesties Justice and Goodness, most beholding to the Mediation  
“ and Brotherly kindness of the Kingdom of *England* in many respects,  
“ especially in condescending to the Kings Majesties coming to *Scotland*,  
“ in the midst of their great Affairs; whereof we have tasted the sweet  
“ and comfortable Fruits, and do heartily wish the like happiness to this  
“ Kingdom. And as we are heartily sorry to find our Hopes thereof de-  
“ ferred by the present distractions growing daily here, to a greater  
“ height, and out of the sense thereof, have taken the Boldness to send  
“ our humble and faithful advice to the Kings most Excellent Majesty,  
“ for remedying of the same, to the just satisfaction of his People; so out  
“ of our duty to his Majesty, and to testifie our Brotherly Affection to  
“ this Kingdom, and acquit our selves of the Trust Imposed upon us, We  
“ do most Earnestly beseech the most Honourable Houses, in the deep  
“ of their Wisdoms, to think timously upon the Fairest and Fittest Ways  
“ of Composing all present differences, to the Glory of God, the good  
“ of the Church and State of both Kingdoms, and to his Majesties Ho-  
“ nour and Contentment; Wherein, if our Faithful endeavours may be  
“ any way useful we shall be most ready at all occasions to contribute  
“ the same.

15th. of Jan. 1641.

*Ja. Primrose.*

The very same Paper Verbatim was at their request presented to the Lords, by the Lord Lieutenant of *Ireland*.

After the reading of this Paper, Sir *Philip Stapleton*, Mr. *Long*, and Mr. *Arthur Goodwin*, were Ordered to return thanks from the House of Commons, to the *Scotch* Commissioners, for their good Affections Exprest to this State and Parliament, and likewise to desire to know of them, what it is, that they have sent unto his Majesty by way of Advice.

To which Sir *Philip Stapleton* brought this answer, That most of the Commissioners were gone from the place of Meeting, not expecting any Message from this House, besides they have not as yet sent the Paper to the King, by reason they could not get Post-Horses, and till such time as his Majesty hath first received the same, they conceive it not so fit it should be made known: But upon *Monday* morning they make no doubt to give this House full satisfaction.

I know no reason I have to make the Reader stay till *Monday*, whose Expectation may be as willing to be gratified with a sight of this Paper, as the House of Commons were, and therefore I present him with it as followeth:

To



January,  
1641.

## To the King's most Excellent Majesty.

The Humble desires of the Commissioners of his Majesties  
Kingdom of S C O T L A N D.

The Petition  
and advice of  
the Commis-  
sioners of Scot-  
land to the  
King, by way  
of Mediation.

**W**E your Majesties humble and faithful Subjects, considering that the Mutual Relation betwixt your Majesties Kingdoms of Scotland and England is such, as they must stand or fall together, and the disturbance of the one must needs disquiet and distemper the Peace of the other, as has been often acknowledged by them both, and especially in the late Treaty which is ratified in Parliament, and confirmed by the publick Faith of the Estates of your Majesties ancient and Native Kingdom of Scotland. so that they are bound to maintain the Peace and Liberties of one another, being highly concerned therein, as the assured means of the safety and preservation of their own: And finding our selves Warranted, and obliged by all means to labour to keep a right Understanding betwixt your Majesty and your People, to confirm that Brotherly Affection betwixt the two Nations, to advance their Unity by all such ways as may tend to the Glory of God, and Peace of the Church and State of both Kingdoms, and aykways to proffer our service for removing all Jealousies and mistakes, which may arise betwixt your Majesty and this Kingdom, and our best endeavours for the better Establishment of the Affairs and quiet of the same, that both your Majesties Kingdoms of Scotland and England may be United in the enjoying of their Liberties in Peace under your Majesties Scepter, which is the most assured Foundation of your Majesties Honour and Greatness, and of the security of your Royal Person, Crown and Dignity: We have taken the Boldness to shew your Majesty, that we are heartily sorry and grieved to behold these Distractions which increase daily betwixt your Majesty and your People, and which we conceive are entertained by the wicked Plots and Practices of Papists, Prelates and their Adherents, whose aim in all these Troubles, has not been only to prevent all further Reformation, but also to subvert the Purity and Truth of Religion, within all your Majesties Kingdoms; for which end, their constant Endeavours have been to stir up Divisions betwixt your Majesty and your People; by their Questioning the Authority of Parliaments, the lawful Liberties of the Subjects, and real Weakning your Majesties Power and Authority, nay all upon pretence of Extending the same, whereof by Gods Providence being disappointed in your Majesties Kingdom of Scotland, these have now converted thir Mischievous Councils, Conspiracies and Attempts, to produce these distempers in your Majesties Kingdoms of England and Ireland. And therefore according to our Duty to your Majesty, to testifie our Brotherly Affection to this Kingdom, and acquit our selves of the trust Imposed in us; We do make offer of our humble Endeavours for composing of these differences: And to that purpose do beseech your Majesty in these Extremities to have Recourse to the sound and faithful advice of the Honourable Houses of Parliament, and to repose thereupon, as the only assured and happy means to Establish the Prosperity and quiet of this Kingdom. And in the depth of your Royal Wisdom to consider and prevent these Apprehensions of Fear, which may possess the Hearts of your Majesties Subjects in your other Kingdoms, if they shall conceive the Authority of Parliament, and the Rights and Liberties of the Subject to be here called in Question. And we



we are confident, that if your Majesty shall be graciously pleased to take in good part, and give Eare to these our humble and faithful Desires, that the success of your Majesties Affairs howsoever perplexed, shall be happy to your Majesty, and joyful to all your People, over whom, that your Majesty may long and prosperously Reign, is the Fervent and Constant Prayer of us your Majesties Faithful Subjects and Servants.

January,  
1641.

It was likely to come to a hopeful issue for his Majesty and all his Loyal Friends, when those who had by Rebellion wrested from him so great a share of his Sovereignty and Regal Authority, undertook to be Umpires and Mediators in a difference to which they were Principal Parties, and to compose those differences, which the Faction, following their Example, were resolved should be determined by no other terms of Accommodation, then his Majesties parting with the Sword, which Guarded his Septer, and which they were resolved either to have, or to force it from him by the down-right strength of a most deep rooted and formidable Rebellion. But what thanks soever they had for this officious diligence from the King, they received many thanks from both Houses, for the affection expressed to the Kingdom, in the advice which they gave the King in this Paper; which was mightily to the Grace of the Faction, and Tuned to the humor of the Times which charged all the Miseries and Distractions, upon the King's refusing the sound advice of his great Council the Parliament.

This day an Order was made in the Lords House, for the bringing up to the Lords in Parliament Mr. Thomas Netterville, Son to the Lord Neterville, who was stayed in Chester, by the Mayor of the place, upon Suspicion; and the Lord Admiral was Ordered to write to the Mayor thanks from the House of Lords, for his care in staying the said Mr. Netterville.

Munday,  
January, 17.  
The Lo. Netterville's Son ordered to be brought before the Lords.

Then the Lord Duke of Richmond Reported the King's Answer to the Message delivered to him, Jan. 15th.

The King's Answer to the Bill for adjournment Hull, &c.

(1.) Concerning his Majesties Assent to be given to the Bill for the Adjourning of the Parliament from Westminster to London, or any other Place, his Majesty saith, he will take further time to consider of it.

(2.) That his Majesty hath Signed a Warrant to the Earl of Newport, Master of the Ordnance, for issuing out of Arms and Ammunition, and Transporting them for Ulster as is desired.

(3.) And as touching the securing of the Town and Magazine of Hull, His Majesty conceiveth, he hath formerly given a satisfactory Answer.

After which the Lord Keeper signified, That the King had Commanded him to deliver this Message to both Houses of Parliament, to let them know that there hath been much Powder, Arms, and Ammunition issued out of the Stores for the Supply of the occasions of Ireland, and his Majesty hopes that both Houses will take care the Stores be replenished for the security and defence of this Kingdom: Which was Communicated to the House of Commons.

A Message was brought up from the Commons by Sir John Evelyn, to desire, That the Army and Ordnance at Fox-Hall, at Lambeth-House, at the Arch-Bishop of Yorks, and at the Bishop of Winton's Houses may be removed to London, and kept there in safe Custody.

Also



January,  
1641.

Also the House of Commons presented their Lordships with an Order for Guards, which they desired their Lordships to join with them in: The Order was read as followeth.

An Order and Declaration of the Lords and Commons in Parliament, for the providing of Guards, and other necessary Defence for the Safety of his Majesty, the Parliament, and Kingdom.

An Order for  
Guards, &c.

**F**Orasmuch as the necessity of providing Monies and other supplies for the present relief of Ireland, and for defence of this Kingdom, requireth the speedy Care and Consideration of both Houses of Parliament, and for that it appears by many wicked Practises and Designs that have been lately discovered, that the said Houses cannot sit in safety, without strong and sufficient Guards from the City of London and parts adjacent: It is therefore Ordered, and Declared by the Lords and Commons Assembled in Parliament, That there be necessary Guards raised out of the City and Parts Adjacent; and the same to be in Order for the Defence and Safety of the King, Parliament, and Kingdom: And it is declared by the said Lords and Commons, That for the providing of Guards and other necessary Defence for the purpose aforesaid, as well the Sheriffs of the City of London and Middlesex, as of all other Counties of this Realm, may and ought to raise the Posse Comitatus, and in case they fail of their Duties herein, which they are accountable for, to God, the King, and the Parliament, then every good Subject may and ought in their Duties to God, their King and Country, \* by their Solemn Oath of their late Protestation to maintain and defend to the uttermost of their Power, the Person of his Majesty, and of every Member of each House of Parliament, being the Persons whom they have intrusted with their Lives, Liberties, and Fortunes, from all Force and Violence whatsoever.

\* Now they made the Design of that wicked and insuaring Oath appear.

And the said Lords and Commons do farther declare, That the Sheriffs of London and Middlesex, as well within the City as without, and that for the Safety of the King, Kingdom and Parliament, which is now in imminent and apparent Danger, (the Commission of the Lord Mayor, being but a Commission of Lieutenancy and Illegal) the Lord Mayor, Aldermen, and Common-Council, or the greater number of them, ought to make use of the Train'd Bands, or any other Forces of the City, for the preserving of the Peace of the Kingdom, Person of his Majesty, and all the Members of Parliament from violence and dangers, both within their Limits and without. And that there being yet no declaratory Law for the Regulating of the Militia of the Kingdom, though in Agitation in Parliament, the said Lords and Commons do declare, That in this pressing and extraordinary Occasion, the Lord Mayor, Aldermen, and Common-Council of the City of London, or the greater number of them ought to appoint such Officers, that the necessary Guards and Forces aforesaid may be governed in a due and orderly manner, and that the Officers aforesaid may beat up their Drums for the safety of his Majesty, the Kingdom and Parliament; and that the performance of the Premises shall be taken for a good and acceptable piece of Service to both Houses of Parliament.

And it is further Ordered and Declared by the said Lords and Commons, That Captain Skippon shall be Sergeant Major General of the City Forces, until the City resolve to the Contrary, and not to depart from this Service upon any Command, or Counter-mand, until Order be taken by the



the Parliament; and he shall have Power if violence be offered, to make defence, or offend; and that all the Train'd Bands, both of London and Westminster, and the Parts Adjacent, and all the Captains and Officers of the said Bands shall be Commanded by him, and receive Orders from him, from time to time, for beating the Drums or Service, and all Soldiers thereupon under his Command shall resort to their Colours in Arms, without expecting further Order from the Lord Mayor: And that all Citizens or others, that will mount themselves on Horseback, shall be under the Command of the said Sergeant Major Skippon; and that Ammunition of all sorts shall be issued out of the Chamber of London, in such a proportion, as he shall think fit and direct.

January,  
1641.

And it is further Ordered and Declared by the said Lords and Commons, That whereas there is a Committee chosen of the Common-Council of the City of London, to Treat and Confer with a Committee of the House of Commons, touching the safety of the King and Parliament, City and Kingdom, That the Persons of the said Committee of the Common-Council shall not be apprehended, or otherwise restrained, without the leave of the Commons House of Parliament first obtained, during the time that they shall be Committees for the business aforesaid, for any thing done, or to be done in pursuance thereof; and that none of the said Committee of the said Common-Council, presume to depart out of the said City to any place upon any Intimation whatsoever, without leave first obtained from the said Committee of the Common-Council, or the greater part of them.

And lastly, it is Declared and Ordered by the said Lords and Commons, That all Actions of the said Citizens of London, or of any other Person whatsoever for the Defence of the Parliament, or the Privileges thereof; or for the preservation of the Members thereof, are according to their Duty, and their Protestation, and the Laws of this Kingdom; and if any Person shall Arrest or Trouble any for so doing, he is declared to be a violater of the Liberty of the Subject, and of the Rights and Priviledges of Parliament, and a Publick Enemy of the Commonwealth.

To this Message and Declaration this Answer was given, That their Lordships will take it into Consideration. And truly they had some reason to do so, for certainly this was a direct Levying of War, being absolutely without the King's knowledge, privity, or consent; and from this Period ought to be Dated the actual Rebellion, which manifestly proves the Faction to be the Aggressors.

A Message was brought up to the Lords by Mr. Nathanael Fiennes:

(1.) To desire that their Lordships would give dispatch to the Scots Propositions.

(2.) To the Bill for a Contribution for Ireland.

(3.) To let their Lordships know, That the House of Commons do resolve to Adjourn their House till Thursday at Eight of the Clock, and had appointed in the mean time a Committee, whereunto all that would come should have Voices, to sit in London at Grocers-Hall, and have given them a large Power,

Message concerning adjourning to Grocers-Hall, &c.

1. Concerning the Safety of the Kingdom.

2. Concerning Priviledges of Parliament.

3. The Affairs of Ireland.

Vol. II.

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4. Con-



January,  
1641.

Order of the  
Lords for ad-  
journment to  
Grocers-Hall.

4. Concerning the settling of the present Distempers. And the House of Commons desire, That if their Lordships think so fit, that they would appoint a like Committee; and that their Lordships would give them power to meet and confer with the Committee of the House of Commons.

(4.) The House of Commons desires, That the Committees for Ireland might meet there if their Lordships think it fit.

(5.) That the Committee that their Lordships have appointed to take Examinations upon Oath, as also the Committees appointed to draw a Petition to his Majesty concerning the Breach of Priviledges, might likewise sit there, if their Lordships think fit.

To all which their Lordships consented, as appears by this their En-  
suing Order.

Ordered, That the Committee for the Irish Affairs, shall meet at Grocers-Hall, on Tuesday the 18th of this Instant January, at Nine of the Clock in the Morning; and that they shall have Power to Treat and Debate, concerning the Safety of this Kingdom, the Priviledges of Parliament, the Affairs of Ireland, and the settling of the present Distempers, and to take into Consideration his Majesties Message sent to both Houses: And likewise, that the Committee to take Examinations upon Oath may be there; as also the Committee appointed to draw a Petition to his Majesty concerning breach of Priviledges, and to consider of all means for vindicating the same. And it is further Ordered, That all the Lords may be present at the said Committees, and have Votes, and every of them shall have Power to Debate among themselves, and with the Committee of the House of Commons; and to call all Persons whom they shall think fit before them; and likewise to Adjourn from time to time, and from place to place, as they shall see Cause, and the Votes and Results of the Committee to Report unto this House.

This Adjournment was to keep up the belief, that they did not sit in safety at Westminster, and to countenance the attempt upon the Militia, at which they were now driving might and main.

Still Sir John Byron the Lieutenant of the Tower was a great Beam in their Eye, and therefore to get possession of the Tower, they had perswaded several Merchants and others to Petition against him; and that it was framed by the Artifice of the Faction, the wording of it, and the Answers of the Petitioners make apparent, for they speak the same Language the Commons had taught them at the last Conference for this purpose with the Lords. For a Message was brought up from the House of Commons by Sir Henry Vane Junior to this Effect, That the House of Commons having by divers Conferences expressed unto their Lordships the just causes of Fears and Jealousies that are in the City, by reason of Sir John Byron's being Lieutenant of the Tower of London, which caused the House of Commons formerly to desire their Lordships to joyn with them to Petition the King, that he might be removed from that Place, which their Lordships thought not fit to joyn in then. Now the House of Commons present to their Lordships a Petition, delivered to them from divers Merchants and Goldsmiths of London, that have great store of Bullion in the Tower, and have divers Ships laden with Bullion lately come into the River, and by reason of the Fears and Jealousies they have of the now Lieutenant of the Tower, they forbear to bring in their Bullion, as may appear by the Petition, which was read in hæc verba.

To



To the Honourable Assembly of the House of Commons in Parliament.

The Humble Petition of the Merchants and Goldsmiths, Traders to His Majesties Mint, with Foreign Bullion and Coin,

Sheweth,

**T**hat many Jealousies and Fears have risen in your Petitioners, by reason of the sudden Removal of that worthy Gentleman Sir William Balfour Lieutenant of the Tower, and that the same is now Com-  
manded by one of whom we have not that satisfaction, as formerly we have had.

January,  
1641.

Merchants and  
Goldsmiths  
Petition a-  
gainst the  
Lieutenant of  
the Tower,  
Jan. 17. 1641.

Your Petitioners therefore in all humility tender this considerable Re-  
quest to this Honourable Assembly, That there may be such a Lieu-  
tenant there placed ( it being a Place of so great Trust and Confi-  
dence ) as shall be thought fitting by this Honourable Assembly,  
which undoubtedly will not only cease our Fears and Jealousies in these  
distractive times, but will occasion us to continue all possible incou-  
ragement to our Correspondents beyond the Seas, that the Importa-  
tion of Bullion and Coin ( of which great quantity is newly arrived  
in Spain ) may have its free Course, as in former times, to the well-  
fare of Trade in general.

And Your Petitioners shall pray, &c.

Henry Futter,  
David Otgher,

Nic. Corfellis,  
Abra. Fortry,

Diericke Ooste,  
with several others.

The House of Commons upon this do desire that their Lordships would  
joyn with them, humbly to Petition the King, That Sir John Byron Knight,  
now Lieutenant of the Tower of London may be removed, and Sir John  
Conyers recommended to his Majesty from both Houses for that  
place.

Whereupon the Merchants and Goldsmiths that Exhibited the afore-  
said Petition to the House of Commons, presented another *verbatim*  
the same to the Lords, which being read, the House fell into Debate  
of it, and they were called in, and asked these Questions by the direction  
of the House.

(1.) What number of Merchants and Goldsmiths, besides themselves,  
brings in Bullion to the Mint? To which they Answered, Sir Peter  
Riccaut, and a few more, but no great number.

(2.) What reasons they have for their Fears and Jealousies of Sir John  
Byron, Lieutenant of the Tower, and why they forbear to bring in Bul-  
lion to the Mint?

They had Conn'd their Lesson perfectly, and therefore said, That  
they heard that he hath disobeyed the Orders of both Houses of Parlia-  
ment, when he was sent for to come and attend them. Also, that he is  
a Gentleman unknown to them; and they desire to have such a Lieutenant  
put in, as the Parliament approves of.

But the Lords, it seems, easily saw through this little Artifice; and  
therefore the Merchants, &c. being withdrawn, after much considera-



January,  
1641.

The Lords refuse to joyn with the Commons in a Petition to displace the Lieutenant of the Tower. Several Lords enter a Protestation against the Vote for not joynning with the Commons about the Lieutenant of the Tower.

tion, the Question was put, *Whether this House will joyn in an humble Petition with the House of Commons to his Majesty, to remove Sir John Byron Knight, from being Lieutenant of the Tower of London, and to place Sir John Conyers in that Place.* And it was Resolved Negatively.

These Lords following, before the Question was put, demanded their Right of Protestation, and that they might have liberty to Enter their Dissents to this Vote ; which the House gave leave unto.

Lord Admiral,  
Earl of Bedford,  
Earl of Pembroke,  
Earl of Leicester,  
Earl of Sarum,  
Earl of Warwick,  
Earl of Holland,  
Earl of Bolinbrook,  
Earl of Stamford,  
Viscount Say and Seal,  
Lord Wharton,  
Lord Pagett,

Lord North,  
Lord Hunsdon,  
Lord Willoughby de Parrham,  
Lord St. Johns,  
Lord Spencer,  
Lord Kymbolton,  
Lord Brooke,  
Lord Roberts,  
Lord Grey de Warke,  
Lord Newnham,  
Lord Howard de Escrick.

After which the Committee of the House of Commons were called in, and the Councel of the Bishops standing at the Bar, the 12 Bishops were severally brought in, one after another.

The Bishops answer to the Impeachment of the Commons.

First, The Arch-Bishop of York was brought to the Bar, and after he had kneeled as a Delinquent, he was commanded to stand up : And then the Speaker, by direction of the House, told him, *That this Day was appointed for the 12 Bishops to put in their several Answers to the Impeachment of the House of Commons of High Treason against them, and that their Lordships do require him to put in his Answer thereunto.*

His Grace Answered, *That he had received an Order Dated the 30th of December last, with an Impeachment against himself, and 11 other Bishops of High Treason, from the House of Commons ; And likewise divers Orders of several days, that were appointed for them to put in their Answers ; and the last Order for this day, which accordingly he is come to obey their Lordships Commands.* And for his own Answer to the aforesaid Impeachment of High Treason he gives his Answer in this manner.

**I** John Arch-Bishop of York, saving to myself all advantages of Exceptions to the insufficiency of the said Impeachment, for myself say, *That I am not Guilty of the Treason Charged by the said Impeachment, in manner and form as the same is therein charged.*

Then he desired a present and speedy Tryal, and so withdrew.

In the same manner, Thomas Bishop of Durham, Robert Bishop of Coventry and Litchfield, Joseph Bishop of Norwich, John Bishop of St. Asaph, William Bishop of Bath and Wells, George Bishop of Hereford, Matthew Bishop of Ely, Robert Bishop of Oxon, Godfrey Bishop of Gloucester, John Bishop of Peterborough, and Morgan Bishop of Llandaff were severally brought to the Bar, and gave the same Answer.

The



The Bishops having given in their Answers, the Committee of the House of Commons went to their own House.

Then a Petition of the Bishops was read as followeth.

January,  
1641.

To the Right Honourable the Lords Assembled in  
the House of Peers:

*The Humble Petition of John Arch-Bishop of York, and other the Bishops Impeached by the House of Commons, of High Treason the 30th. of December last.*

Humbly Sheweth:

**T**hat your Petitioners by your Honourable Order of the date of the Impeachment, were to put in their Answers thereunto the 7th. of this Instant, and have had sit hence several days for that purpose assigned them, and are now this 17th. of this Instant brought hither by your Lordships Order. They always having been, as now they are, ready to obey your Lordships Commands, and many of them already much Impaired both in their Health and Estates:

The Bishops  
Petition to be  
speedily Try-  
ed or Bailed.

Do most Humbly Pray, That a Speedy proceeding may be had there-  
in, and that in the mean time they may be admitted to Baile.

*And your Petitioners shall ever Pray for increase of  
Honour and Divine Blessing upon your Lordships.*

|                    |                   |
|--------------------|-------------------|
| Jo. Eborac.        | Geo. Hereford.    |
| Godfr. Glouc.      | Mat. Eliensf.     |
| Jos. Norwic.       | Ro. Oxon.         |
| Tho. Duresme.      | Jo. Petriburg.    |
| Jo. Asaph.         | Mor. Landaff.     |
| Guil. Bath & Well. | Ro. Cov. & Litch. |

Hereupon, It was Ordered by the Lords, *That the day of Tryal for the twelve Bishops which are Impeached of High Treason by the House of Commons, shall be on Tuesday the 25th. of this Instant January, at the Bar of the Lords House: In the mean time, the Bishop of Durham and the Bishop of Coventry and Litchfield, shall be remanded to the Custody of the Gentleman Usher attending this House, and the other ten to be presently remanded to the Tower, there to remain, until the further Pleasure of the House be known.* And a Message was sent to the House of Commons by Mr. Serjeant Finch, and Mr. Serjeant Glanville, to acquaint them with this Order.

The Bishops  
remanded to  
Prison.

The Lord Keeper being indisposed, had by the leave of the House retired himself, but before his going had delivered a Letter from the King, to the Speaker of the Lords House for the time, which was read as follows,

To Our Trusty and Right well-beloved Councillor, *Edward Lord Littleton*, Lord Keeper of the Great Seal of England.

CHARLES R.

**O**ur Will and Command is, *That you deliver to the Parliament in Our Name, the Message inclosed, concerning the Marques of Hertford's*  
Atten-

A Letter and  
Message to  
both Houses  
from the King  
concerning the  
Prince.



January,  
1641.

Attendance upon Our Son, and for so doing this shall be your Warrant. Given at Our Court at Windsor the 17th Jan. 1641.

*His Majesty hath seen the Order of the Lords, upon the Motion of the House of Commons, given to the Marquess of Hertford, concerning his Care, in attendance upon the Prince, not without Wonder, that the Parliament should make such an Order, which can hardly be otherwise understood, but as if there had been a Design of sending the Prince out of the Kingdom, which must necessarily have reflections upon his Majesty, the Prince being now in the same Place with him. And his Majesty hath shewed himself both so good a Father and a King, that he thinks it strange, that any should have such a thought, as that he would permit the Prince should be carried out of the Kingdom, or that any durst give him that Counsel.*

Whereupon it was Ordered, That this Message be communicated to the House of Commons at Grocers-Hall. And then the House was adjourned till the 20th of Jan.

Mr. Quelch  
bailed.

In the Commons House, It was Ordered, That Mr. Quelch now in the Serjeant's Custody by order of the House, shall be forthwith bailed. It was rare that ever they absolutely discharged any Person, who once came under their Hands, though but for the slightest Information; and they rather chose to let them go under Bail, by which Artifice, they both kept these Persons under the Terror of their Lash, and also justified their own Proceedings in being so merciful to take Bail, for such Persons, as by this means were, though never so Innocent, still reputed Guilty, and obnoxious to the Justice of the Parliament.

After this there were several Declarations read, and the last mentioned concerning putting the Kingdom into a posture of Defence, which was now the great Affair upon their Hands. And in Order to the better accomplishing of it,

An addition to  
the Committee  
for putting the King-  
dom into a  
Posture of de-  
fence.

|                      |                       |
|----------------------|-----------------------|
| Mr. Martin,          | Mr. Seldon,           |
| Mr. Sam. Brown,      | Mr. Bodville,         |
| Sir Gilbert Gerrard, | Sir John Evelyn,      |
| Sir Walter Earl,     | Sir Tho. Barrington,  |
| Sir Tho. Bowyer,     | Sir Arthur Ingram,    |
| Sir Robert Pye,      | Sir Tho. Widdrington, |
| Sir John Holland,    | Mr. Hill,             |
| Lord Fairfax,        | Mr. Rigby,            |
| Sir Hen. Heyman,     |                       |

were added to the Committee appointed to consider of putting the Kingdom into a Posture of Defence.

A Committee was also appointed to examine Captain Legg, concerning the Commission and Instructions, which he carried down concerning the securing the Magazine of Hull.

Thanks to the  
Inhabitants of  
Bucks for their  
readiness to  
suppress the  
Kingston For-  
ces.

It was also Ordered this Day, That the Knights of the Shire for the County of Bucks, do return Thanks to the Sheriff, Justices of the Peace, Gentry and Free-Holders of the County of Bucks, that have prepared themselves in a readiness to suppress the Forces informed to be at Kingston, and to acquaint them, that this House is informed, those Forces are dispersed, and therefore that at this time there is no need of their coming out of their County.

Then it was Resolved, &c. and accordingly Ordered, That Mr. White Master



Master of the Ship lately come from Berwick by Order of the House of Commons, with Arms and Ammunition, and under their Pay, shall fall down the River with the Ship, somewhat beyond the Command of the Tower, and no further; and that if any Person shall offer to take away the Arms and Ammunition out of the said Ship, that then he shall call to him, the assistance of Saylers and other Persons, for the keeping of the same, till further Order of the House of Commons.

January,  
1641.

They were perpetually urging the King for Arms and Ammunition, out of the Tower and other Stores for Ireland, yet a thought never entred into their Heads, to send this Ship with her Lading away for a present Supply, which certainly they would have done, had they not been really solicitous to exhaust the King's Stores, rather than to relieve Ireland; and this was also to countenance the Fears and Jealousies of the Lieutenant of the Tower, in Order to have him displaced.

The Lords having appointed a Committee of 21 Lords to consider the matter of Breach of Privileges,

Sir Henry Vane,  
Mr. Pym,  
Mr. Hollis,  
Sir Phillip Stapleton,  
Sir Hugh Cholmeley,  
Mr. Whitlock,  
Mr. Grimston,  
Mr. Chancellor of Excheq.  
Sir John Evelyn,  
Sir Robert Coke,  
Sir Benjamin Rudyard,  
Serjeant Wild,  
Sir Walter Erle,  
Sir Thomas Barrington,  
Mr. Prideaux,

Mr. Sollicitor,  
Sir Samuel Rolle,  
Mr. Nath. Fiennes,  
Mr. Hampden,  
Mr. Arthur Goodwin,  
Mr. Cage,  
Mr. Rouse,  
Lo. Falkland,  
Lo. Gray,  
Lo. Wenman,  
Mr. Rogers,  
Mr. Selden,  
Mr. Lav. Whittacre,  
Sir John Potts,  
Mr. Reynolds,

Mr. Palmer,  
Sir Tho. Bowyer,  
Mr. Kirton,  
Mr. Martin,  
Mr. Long,  
Sir John Hotham,  
Sir John Holland,  
Mr. Strode,  
Mr. Glyn,  
Mr. Rigby,  
Sir Guy Palmes,  
Sir Ralph Hopton,  
Mr. Brown,  
Mr. Vaughan,  
Sir Ed. Patherich,

Committee to  
consider of  
breach of Pri-  
vilege.

were appointed a Committee to joyn with the Lords for that purpose, and to frame a Petition to his Majesty.

The Committee which was appointed to be present at the Lords House, at the Bishops giving in their Answer, were

Mr. Glyn,  
Serjeant Wild,  
Mr. Samuel Brown,  
Mr. Rigby,  
Mr. Reynolds,  
Mr. Prideaux,

Mr. Palmer,  
Mr. Whistler,  
Sir Tho. Widdrington,  
Mr. Lisle,  
Mr. Hill,  
Mr. Grimston,

Mr. Sollicitor,  
Mr. Peard,  
Mr. Bagshaw,  
Mr. White.

The last of which, a most bitter Enemy of the Loyal and Orthodox Clergy, took occasion to display his malice against them in this following Speech.

Mr. Speaker,

**B**Y woful experience we have been sensible of the great evils committed by ill affected persons to the peace and security of the Kingdom, producing thereby these dangerous and troublesome times; \* even such are the troubles that this whole Nation and the other his Majesties Kingdom's is fallen into, and lies groaning under, that

Mr. white's  
Speech against  
the Bishops,  
Jan. 17. 1641.  
\* even such as  
this speech  
maker.



January,  
1641.

\* Never a truer word spoken.

that we have not felt the like in this Land never since the civil divisions between the two Houses of York and Lancaster, or Barons wars were on foot in the same; nay, let these troubles of our times be compared with them, \* they are of far more dangerous consequence; there was in those days onely the sword to decide the controversies, no other place chosen for that purpose but the field, in a Warlike and Courageous manner. In these our divisions we have adversaries of no courage or magnanimity that rise against us, only subtil and treacherous spirits lying in their Cabinets, and keeping themselves close in their stately buildings, their devising on divellish and hellish stratagems to be put secretly in Execution for our Destruction; as powder-plots, firing privately of Towns, nay, Cities, if their endeavours might have success according to their desires, which strikes us with amasement and continual fear of our safety in our own habitations and places of livelyhood; we cannot discern, so corrupt are the hearts of most men who scarce to converse, inhabit or eat withal, so malicious is Satan (working in his instruments) in whom he dwells, and over whom he altogether Reigns and Rules, to bring to pass his own ends, that he works by no ways, but by practising of unheard or unconceived of Plots amongst Christians, as by Sorcery, Witchcraft, Poisoning, and the like, these inventions can we not be aware of: A man seeing his Enemy, and knowing him to be so, may use means either to resist or flee from him, thereby to save himself, but being in place unsuspected to meet an Enemy, pretending himself a Friend, or at least not knowing or conceiving him to be his Enemy, how can he be secure, how can he defend himself or Preserve himself from his Malice or Destruction? these times are now filled with such malignant Spirits devoted altogether to the service of the Devil, labouring by all means to bring confusion and desolation on all the opposers, or not compliants to their wicked designs.

Mr. Speaker, having presented to your considerations the manifold dangers and troubles we sustain by these practises of malignant persons, I presume humbly to present to your view the Authors of the same, their practices to compass their desires, and the means to avert and remedy the same, which I desire you to consider of, and apply the same as to your Judgements and Wisdoms shall seem requisite. The greatest and chiefest Authors of our miseries is the Bishops and their Adherents, favourers of the Romish and Arminian faction, that have with a high hand and stretched out Arm in their several places of Power and Jurisdiction, both spiritual and temporal exercised cruelty and tyranny over the Children and Saints of God, binding the Consciences of free Subjects only to their opinions and commands in the Exercise of their Religion, with extremity and greatest severity inflicting punishment upon those of tender Consciences that shall refuse the same, enjoyning all of the Clergy under their Authority, to teach only such things as may serve only to the defence and maintenance of their devised doctrines and Tenents of their superiours, preaching the same out of Fear not Conscience; these corrupt Bishops Lords over their brethren and fellow servants in the Administration of the Mysteries of Salvation, have been the prime Authors of all the troubles we are now incumbred withal; I speak not, Master Speaker, altogether against their persons, but even their Offices and Places of authority as now they are used, contrary to the true intent of the Apostles in the first admitting of the ordination of Bishops, in these particulars, as I under favour conceive.

First their denomination and style, Lord Bishops, we find not any where allowed, nay, not named in Scripture.

Secondly, they joyn not with their authority teaching and constant preaching of the word of God warranted by the same, but separated contrary thereto.

Thirdly, joyning with their Spiritual Power, temporal Jurisdiction, usurping to themselves the only Office of the Magistrate.

Fourthly, procuring to themselves places of Judicature, chief Judges in great Courts, as their High Commission, late Star-Chamber, and the like, which are all contrary to the rules and ordinances of Divine-Writ. We cannot otherwise conceive or expect, as long as their Offices thus corrupted remain without limitation or correction, that ever there will be true Religion settled in this Land, or any peace or unity of hearts and affections in this Kingdom, being too apparent to all the world, that from age to age, since the Prelates have had such power and command in the Commonwealth, they have bin either the roots and founders, or Actors and Competitors with



with others, of all the divisions and dissentions that have ever been in this Kingdom, either between the Prince and his People, or between the Prince and his Parliaments, and still such persons of perverse Spirits, possess such Offices.

Secondly, I come to shew you these their practises, how they have and still endeavour to bring to pass their wicked designs, they are known already I verily believe, both to you and almost all men, that is, \* by Innovating Religion, joyning with the Church of Rome, approving as well of the Doctrine as Ceremonies thereof, endeavouring to bring all others into the same opinion with them, especially the Lords and Grandees of this Kingdom: to perfect this, they raise divisions between the King and his Subjects, between King and Parliament, between Lords and Commons, and between the Commons themselves; to raise Mutinies, Insurrections, Rebellions amongst his Majesties good Subjects, open Wars between his Majesties Kingdomes one against another, and all under pretence of the Religion, to defend the Office, Power and Jurisdiction of Bishops above all others, yea that their Spiritual power, is above the Kings in Ecclesiastical causes and the like, all which we have had woeful experience of.

Thirdly, ( and lastly ) the means whereby we may remedy these evils is. First to regulate and rectifie their unlawful and usurped Power and Jurisdiction, and settle such a form of Government in Religion, as shall seem to the Wisdom of this House, to come nearest the Word of God: And Secondly, with all speed as we possibly can, upon Triall, bring to deserved punishment, these Prelates and Bishops, that have been the only Authors of all our miseries.

Thus did these Vultures and Harpies accuse the innocent Doves, upon whom they intended to prey and Quarry; but, God be praised, We have found, though by woful Experience, who were the Occasions of all those dreadful Miseries, those Wars and Bloodshed, that Tyranny and Usurpation under which the Nation so long groaned, which from the Day that it saw the Bishops excluded from the Execution of their Function, and from their Right, never saw one happy Day, till by the Miracle of Providence, they were by the Restauration of the Illustrious Son of the Glorious Martyr, repossessed of their Office and Rights.

Then Sir Philip Stapleton Reported the Paper of Thanks to be returned to the Scots Commissioners, which was in these Words.

The House of Commons having considered, both that Paper given in to them from the Scottish Commissioners upon Saturday last, as likewise their Advice lately given to his Majesty, by occasion of the present Troubles, which at the intreaty of the said House, they have communicated to them; and finding therein a large Testimony of their Fidelity to the King; of Affection to this State; and of Wisdom for the Honor, Security and Peace of his Majesty and Kingdoms: doth hereby declare, That they have herein done that, which is not only acceptable to this House, but likewise, that which is of great Advantage to both Nations; and therefore have Ordered, That Sir Philip Stapleton, Mr. Hampden, Mr. Fiennes, Mr. Pym, Mr. Arthur Goodwin, Sir Henry Vane, ju. or any three of them, shall return them very hearty and affectionate Thanks in the Name of this House; and this House doth further desire them, That according to their Affections already expressed, they will continue their Care and Indeavors, to remove the present Distractions among us, as also to preserve and confirm the Union between the two Nations so happily begun.

And that this might appear to be not only a verbal Acknowledgment, It was this day Ordered, That the Citizens that serve for the City of London, do take Care, that the Scots Commissioners do pay nothing for their House Rent and Furniture belonging unto the same, and this House will undertake to see the same satisfied.



January,  
1641.

Information  
against Ser-  
jeant Dendy.

After this one *Ralph Hope*, being at the Bar informed the House of Commons, *That 4th Jan. instant, Serjeant Dendy came to Mr. Weekes his House at the Gate-House, and required of him, if Mr. Hollis lay there; whereupon he asked the Serjeant, What his Business was; the Serjeant bid him, tell him his Name; he answered, if he would tell him his Business, he would tell him his Name; whereupon he said, I charge you upon your Life, to tell me where Mr. Hollis is, for he is a Traitor; how dares Mr. Weekes lodge a Traitor in his House? he said he must have him, and would have him, for he was a Traitor.*

Whereupon it was Resolved, &c. *That Mr. Dendy Serjeant at Arms shall be forthwith sent for as a Delinquent by the Serjeant at Arms attending this House.*

Cromwell an  
Informer.

*Mr. Cromwell*, afterwards the infamous Usurper, and *Mr. Walton*, two Members of the House informed against a Gentleman of *Huntingtonshire*, for Words of a high and dangerous Consequence, whereupon it was Ordered, *That Mr. Speaker shall grant forth his Warrant, to bring the Gentleman in safe Custody, that spake the Words, and likewise an Order to Summon the Informer, their Names being first made known unto him, by Mr. Cromwell and Mr. Walton.*

After which, by Vote upon the Question, the House did adjourn it self till *Thursday* morning next at 8 of the Clock.

But leaving the Faction in *England* for a while, driving on towards a Rupture with the King, Let us see, how the Affairs of their Brethren in Rebellion in *Ireland* proceeded.

And first I will present the Reader, with a List of the principal Rebels, which I found among the Papers in the Clerk of the Commons House of Parliaments Office, which was as follows.

The Names of the Chieftains and Septs of the meer *Irish*, who have taken Arms in *Ireland*, and rebelled against his Majesty, and the Crown of *England*, in the Province of *Ulster*.

A List of the  
principal Per-  
sons in the Re-  
bellion in *Ire-  
land*.

**S**ir *Phelomy O Neil*, called by the *Irish*, *Phelony Roe O Neil* Captain General of all the Rebels, and Chieftain of the *O Neils*, *O Hagus*, *O Quayus*, *O Mellaus*, *O Hanlous*, *O Corrs*, *Mac Cans*, *Mac Cawells*, *Mac Enallyes*, *O Gormeleyes*, and the rest of the *Irish Sept*, in the Counties of *Tyrone* and *Ardmagh*.

*Tirlagh O Neil*, Brother of the said *Sir Phelomy* is his chiefest Councillor, and is a very sad Man, well seen in the Laws of *England*, which he Studied in *Lincoln's-Inn* and was of good repute there.

Both these are extracted from *Con More O Neil*, the Father of *Con Bacagh O Neil*, the first Earl of *Tirone*, whereby *Sir Phelomy* is reputed by the *Irish*, to be the rightful *O Neil*, with Title and Appellation, with the Dignities and Jurisdiction conceived to belong thereunto of Old he hath now assumed.

Captain *Rory Maguire*, Brother of *Conner Lord Maguire*, Lord Baron of *Empkilm* and *Donoghbane Maguire* their Uncle, are Chieftains of the *Maguires*, and all other the *Irish Septs* in the County of *Permanagh*, he is of a Cruel and Bloody Disposition, and hath shed much *English Blood*, as is reported.

*Brian Mac Collo Mac Mahon*, *Brian Mantagh Mac Mahon* and *Neil Mac Kenna* of the Trough, are Chieftains of the *Mac Mahon's*, *Mac Kenna's*, *Mac Ardells*, *O Connellies*, the *O Duffies*, and all other the *Irish Septs*,



January,  
1641.

Septs, in the County of Monaghan, the former of those three, is a soft elderly Man, the two latter, are Young and Rude, though each of them hath been brought up to Civility and Learning being Wards to the King Inquire of the Lord Blaney more particularly, who are the most Eminent Men of those Rebels of Monaghan.

Sir Con Migenys Knight, and his Brother Daniel, Sons of old Sir Arthur Migenys late Lord Viscount Iveagh, and Uncles of the new Viscount, are Chieftains of the Migenysles, Mac Cartans, and all the other Irish Septs in the County of Down.

Philip Mac Hugh Mac Shane O Rely is Chieftain of the O Relyes, O Gownes, Mac Cabes, Mac Echies, the Bradies, and all the other Irish Septs in the County of Cavan.

This Philip Mac Hugh Mac Shane O Rely for his Estate and Parts is made Chieftain, but Edmond O Rely is the chiefest of the O Relyes, and Edmonds Brother Philip Mac Mullmore O Rely, is a more active and experienced Man, and hath done some Courtesies to the Distressed English, for which, they say, he is made Prisoner by the other Philip, but it is more probable, there is Emulation between them, Mullmore O Rely Son of the said Edmond, being Sheriff of the County of Cavan when the Rebellion began, and commanded all the Country in the King's Name, by vertue of his Office to rise, and take Arms, and continueth still a Captain of the Rebels, Shane Mac Philip Mac Mullmore O Rely Son of the said Philip Mac Mullmore O Rely is a Captain of the Rebels.

Tirlagh O Neil, Grandson of Sir Tirlagh Mac Henry O Neil, and the Son of Hugh Boy O Neil (whose Name Sir Faithful Fortescue knoweth) are Captains of the O Neils, of the Fues a Baroni in the County of Ardmagh within six Miles of Dundalk, in the County of Louth, which Town was never taken by the Rebels in any former Rebellion, but now is surprised by the O Neils of the Fues.

The Lords Justices and Council finding the Storm grow every day Louder and more Threatning, dispatched fresh Letters of Advice to England, to give an account of their Affairs; particularly this following to the Lords of his Majesties Privy Council.

May it please your most Honourable Lordships:

" Since our last dispatch to the Lord Lieutenant, Dated the 25th. of  
" October, concerning the present Rebellion begun there, the  
" Rebels have with great Multitudes proceeded in their out-rages,  
" even to great cruelty against the English and Protestants, in all places  
" where they came. They have Seized the Houses and Estates of al-  
" most all the English in the Counties of Monaghan, Cavan, Fermanagh,  
" Armagh, Tirone, Donegall, Letrim, Longford, and a great part of the  
" County of Downe, some of which are Houses of good Strength, and  
" dispossessed the English of their Arms, and some of the English Gentle-  
" men whose Houses they Seized (even without any resistance in regard  
" of the suddenness of their surprise) the Rebels most Barbarously,  
" not only Murdered, but as we are informed, hewed some of them to  
" pieces. They Surprised the greatest Part of a Horse Troop of his Ma-  
" jesties Army, commanded by the Lord Grandison, in the County of  
" Armagh, and possessed themselves of their Arms. They apprehended  
" the Lord Caulfield and Sir Edward Trevor a Member of this Board,

A Letter from  
the Lords Ju-  
stices & Coun-  
cil in Ireland  
to the Lords  
of the Privy  
Council in-  
England, Nov.  
5. 1641.



January,  
1641.

“ and Sir Charles Pomtes, and Mr. Branthwait, Agent to the Earl of *Essex*,  
“ and a great number of other Gentlemen of good Quality, of the *English*,  
“ in several Parts, whom they still keep Prisoners; as also the Lord  
“ *Blayney's* Lady, and Children, and divers other Ladies and Gentle-  
“ women. They have wasted, destroyed and spoyled wheresoever they  
“ came, and now their fury begins to threaten the *English* Plantations.  
“ in the Queens County, and Kings County, and by their Example the  
“ Sheriff of the County of *Longford* a Native and Papist is likewise Risen  
“ in Arms, and followed by the *Irish* there, where they Rob, Spoyle,  
“ and Destroy the *English* with great Cruelty.

“ In these their Assaults of the *English*, they have Slain many, Rob-  
“ bed and Spoyled thousands, reduced men of good Estates in Lands,  
“ who lived Plentifully and well, to such a condition as they left them  
“ not so much, as a Shirt to cover their Nakedness. They turned out of  
“ their Estates many of considerable Fortunes in Goods, and left them in  
“ great want and misery, and even the *Irish* Servants and Tenants of  
“ the *English*, who lived under them, rise against them with great Ma-  
“ lignity, and joyn with the Rebels; They defaced the Chargeable  
“ Buildings and profitable Improvements of the *English*, to their utter-  
“ most Power: They threaten all the *English* to be gone by a time, or  
“ they will destroy them utterly; and indeed they give out publicly,  
“ That their purpose is totally to Extirp the *English* and *Protestants*, and  
“ not to lay down Arms until by an Act of Parliament here, the *Romish*  
“ Religion be Established, and that the Government be settled in the  
“ hands of Natives; and all the old *Irish* restored to the Lands of their  
“ supposed Ancestors.

“ These and other Miseries and Calamities the *English* and *Protestants*  
“ of all Conditions here do suffer, which we cannot mention without  
“ horror and grief of Heart.

“ Besides, in these high Disturbances and general mischiefs the *Irish*  
“ inhabiting on the Borders of the Counties of *Meath* and *Lowth*, ad-  
“ joining to the Counties of *Cavan* and *Monaghan*, do make daily Incur-  
“ sions on all the *English* near them, and Rob and Spoyle them, of all  
“ they have, whereby many are utterly undon, and ruined in their E-  
“ states.

“ The Rebels finding their numbers to increase, which we are in-  
“ formed to be very many, and in many Places, insomuch as it is con-  
“ ceived that they are not less than thirty thousand already declared,  
“ assemble themselves in great Parties, whom notwithstanding we dare  
“ meet with far fewer numbers, as we hope to be Armed, and Horfed,  
“ they for the most part being as yet meanly provided of any Arms, or  
“ Munition, but such only as they got from the *English* whom they  
“ Robbed, and the Kings Magazines which they surprised.

“ They sent a Party of their men to the Town of *Dundalk* an antient  
“ Corporation, which held firm to the Crown in all the times of the  
“ late Rebellions in this Kingdom.

“ When they approached the Town on *Saturday* last, it was rendred  
“ up to them, without a blow stricken in the defence of it.

“ They are now advancing immediately to *Drogheda*, a Walled Town  
“ upon the Sea Coast, within twenty Miles of *Dublin*, and if they can  
“ prevail there, it is conceived they will March immediately hither, to  
“ Besiege this City and Castle.

“ In this straight, and therein our extream want of Money and Arms  
“ as



January,  
1641.

“ as well as men adding to our grief; We conceived it became of absolute  
 “ necessity, to find means to imploy some strength, as well to deter the  
 “ Rebels and their Adherents, as to countenance, and if it be possible to  
 “ preserve the good Subjects, especially in these Parts: And therefore  
 “ having sent what Supplies of Arms and Munition we could to *Drogheda*,  
 “ we raised here a thousand Foot, consisting of as many *English*  
 “ as we could possibly gather, yet a great part of them are *Irish*, whom  
 “ we are necessitated to trust, and have Armed them, and they are now  
 “ Marched with two Troops of Horse towards *Drogheda*. But if through  
 “ the defection of these *Irish* in that Regiment, or any other accident it  
 “ should so happen (as God forbid) that the Rebels should prevail a-  
 “ gainst them, then considering the present State and Condition of this  
 “ City, we must utterly despair of being able to keep it against the  
 “ Rebels, unless we be with all possible speed relieved from thence with  
 “ Men, Money and Arms; and on the other side, not to send forth  
 “ those Troops, would be extreemly Dangerous, as giving not only too  
 “ much heart to the Rebels, when they should see themselves able to  
 “ come so far, without resistance, but also great Discouragement and  
 “ Terror to the well affected, when they should see us unable to shew  
 “ any strength for their defence.

“ We hold it our duties thus to acquaint your Lordships, with  
 “ the Lamentable State, wherein this Kingdom stands, that so his  
 “ Majesty and the Parliament there, may understand it, and then we  
 “ hope they will provide for relieving us Immediately, with ten thou-  
 “ sand Foot, and one thousand Horse, for the present, well Armed and  
 “ further Provision of Arms, to furnish the Stores; as also some able  
 “ Commanders, and one hundred thousand pound in money to pay  
 “ them, and answer other occasions here, which being now speedily  
 “ sent us, may prevent the Effusion of very much *English* Bloud, and  
 “ the vast expence of Treasure hereafter, which must of necessity be  
 “ spent, if we be not presently thus relieved.

“ We must also make known to your Lordships, that upon this occa-  
 “ sion, many of the Noblemen and Gentry of the Pale, coming to us for  
 “ Arms; as also many in this City, and other Towns: We held it the  
 “ safest way to avoid their Suspicion of our Jealousie of them, and so we  
 “ yielded to set some prime Men, and some Counties also, to have Arms  
 “ and Munition, for their defence, against the Rebels, upon deep  
 “ professions of their Loyalty to the Crown, who we hope will be a  
 “ strength to us. But however, there was no safety to let them lodge  
 “ any thoughts of Jealousie in us, against them: And our Issuing of  
 “ Arms in that manner hath very much lessened our stores.

“ Sir *Faithful Fortescue* coming lately from *Drogheda*, shewed us a  
 “ Paper which he told us was dropped under a Stall at *Drogheda*, and so  
 “ was brought to him, it seems to be a Declaration of some of the rea-  
 “ sons pretended by the Rebels for taking up Arms; which Paper we  
 “ humbly offer to your Lordships here inclosed; as also two Proclama-  
 “ tions Published by us, by occasion of this Rebellion since our last dis-  
 “ patch to the Lord Lieutenant.

“ The Lord *Magwire* and Mr. *Mahown*, the two Principal Prisoners  
 “ we have, we should think fit to send into *England* for their more safe-  
 “ ty, and to take away from the Rebels all hope of delivering them from  
 “ Prison, by their coming hither to besiege this Place; wherein therefore  
 “ we humbly crave a speedy Signification of his Majesties, or your Lord-  
 “ ships good pleasure to be hastened unto us. “ To



Faunary

1641.

"To quicken our Supplies from thence (without which, and that  
 "with all possible speed, we cannot expect to live to give his Majesty  
 "an account of this Place;) We have now written our Letters to the  
 "Lords and Commons House of Parliament there, and have for the  
 "particulars referred to these our Letters to your Lordships, humbly be-  
 "seeching your Lordships to Communicate them to both Houses; yet  
 "so we hope, as those Parts thereof which your Lordships may easily  
 "judge, are fit to be kept secret, and being published may discover our  
 "Disability to make defence, and our Apprehensions of great and Emi-  
 "nent danger, may not come to common view.

"We have also (so extreamly necessary it is) sent this Bearer *Richard  
 "Fitz Gerald, Esq;* as an Express Agent or Solicitor from this State, to  
 "attend his Majesty and your Lordships; that so by his Majesties gra-  
 "cious Interposition, and your Lordships Mediation for us to the Par-  
 "liament there; the succors we expect may be sent us, which if they  
 "come not immediately (we crave leave to repeat it again and again)  
 "the Kingdom will be utterly lost, and all the *English* and *Protestants*,  
 "in *Ireland* destroyed, and so *England* instead of Subjects will have Ene-  
 "mies here, who will continually disturb the Peace of that Kingdom,  
 "as well from hence as from Forreign Powers; for no way will be left  
 "unattempted by them, whereby the Peace of that Kingdom may be  
 "disturbed, and then of necessity, *England* must be forced to undertake  
 "a new conquest of this Kingdom; for a politick Reformation will then  
 "become impossible, and to make a new Conquest, will be now more  
 "difficult and chargeable, then in any former times, in regard the  
 "Ports and Inland Towns, and the Principal Strengths will be imme-  
 "diately lost, as some of them already are, which are now more in  
 "number by much, then were here in former times, and the People  
 "better disciplined in the rules of War, besides many other advantages  
 "they have, as well by the return hither of Commanders of the *Irish*,  
 "who served in Forreign Nations, as otherwise, which they wanted in  
 "the time of former Rebellions there; and besides all the meer *Irish* now  
 "in the Service of the King of *Spain*, will undoubtedly return hither,  
 "to joyn with the Rebels; And so we humbly take leave and remain  
 "from his Majesties Castle of *Dublin*, 5. November, 1641.

Your most Honourable Lordships  
 humbly at Commandment.

Will. Parsons.

Cha. Lambart.

Tho. Rotherham.

Jo. Bortase.

Ad. Loftus.

Ja. Ware.

J. Dillon.

J. Temple.

Rob. Meredith.

Ant. Midenfis.

Cha. Coote.

Jon. Kaphoe.

P. Crosbie.

A Letter of the same Date was also sent to the Speaker of the House  
 of Commons, in these words:

S I R,

Such are the present Calamities under which all the English and Pro-  
 testants in Ireland do now suffer, as if Supplies of Men, Money, and  
 Arms, come not speedily forth of England hither, it cannot be avoided,  
 but the Kingdom must be lost, and all the English and Protestants here de-  
 stroyed,

A Letter from  
 the Lords Ju-  
 stices & Coun-  
 cil in Ireland,  
 to the Speaker  
 of the H. of  
 Commons. No.  
 5th. 1641.



stroyed, wherefore as we have now humbly represented the same more fully to the Lords of his Majesties most Honourable Privy Council, and formerly to his Majesty and to the Lord Lieutenant of this Kingdom; so we adjudge it fit by these our Letters to you, to make it known to the Honourable the Commons House of Parliament there, who cannot but foresee the many other grievous and Lamentable Consequences which the loosening of this Kingdom must unavoidably bring to England; and certainly this Kingdom and the Lives of Us all here, and all the Protestants in the Kingdom were never in so great Danger to be lost, as at this instant; no age having produced in this Kingdom an example of so much Mischief done in so short a time, as now we find acted here in less then a fortnights space, by Killing and Destroying so many English and Protestants in several Parts, by Robbing and Spoyling of them; and many thousands more of his Majesties good Subjects, by Seizing so many Castles, Houses and Places of Strength, in several Parts of the Kingdom, by threatening the English to depart, or otherwise that they will destroy them utterly; and all their Wickedness acted against the English and Protestants with so much Inhumanity and Cruelty, as cannot be imagined to come from Christians, even towards Infidels. We comfort our selves with this hope; That by the Blessing of God on the Wisdom of that Honourable House, we may have sudden and full Supply from thence, whereby we may be enabled to preserve the Kingdom, and consequently prevent the further Lamentable Mischiefs which may otherwise follow. And so we remain from his Majesties Castle of Dublin, 5. November, 1641.

January,  
1641.

Your very assured Loving Friends,

Will. Parsons.  
Jo. Borlase.  
J. Dillon.  
Ant. Midenfis.

Joh. Raphoe.  
Cha. Lambart.  
Ad. Loftus.  
J. Temple.

P. Crosbie.  
Cha. Coote.  
T. Rotherham.  
Ja. Ware.  
Rob. Meredith.

Sp. of Com.

And after this another Letter was dispatched to the Speaker of the House of Commons, which spoke this Language:

S I R,

**B**Y Letters from the Lord Lieutenant of this Kingdom we observe, how sensible the Honourable Commons House of Parliament there is, of the Insolencies of the Rebels here, and of the present danger of the whole State and Kingdom, and the readiness and forwardness wherewith that Honourable House hath ordeined Aids and Supplies for us, which exceedingly Comfort us, amidst the Distresses wherein we now stand. And we crave leave, as to acknowledg with most hearty thanks to that Honourable House, the High Favour we have therein received, and our joyful apprehension thereof; so to intreat most earnestly, that the Supplies may be hastened unto us, with all possible speed, in such a proportion as by our Letters of the fifth of November to the Lord Lieutenant we humbly moved, and in such manner as by our Letters now sent to his Lordship we humbly desire, wherein if all possible speed be not used, the deliverance intended by that Honourable House to this State and Kingdom, may be prevented, and so the Cruel and Barbarous Rebels become possessed of the Kingdom, which we  
Submit

A Letter from  
the Lords Ju-  
stices & Coun-  
cil of Ireland,  
to the Speaker  
of the H. of  
Commons. No.  
13.b. 1641.



January,  
1641.

*Submit to the deep Judgement of that Honourable House. And so we remain from his Majesties Castle of Dublin, 13. November, 1641.*

Your very assured Loving Friends,

Will. Parsons.

Jo. Borlase.

Ormond Ossery.

J Dillon.

Cha. Lambart.

Ad. Loftus.

Gerrard Lowther.

P. Crosbie.

Ja. Ware.

Rob. Meredith.

Sp. of Com. House.

But the Parliament of *England*, as may be observed before in the preceding Transactions of the two Houses, though they made a mighty bustle and noise about relieving of *Ireland*, made but very slow steps towards the Suppressing of the Rebellion in good Earnest. And notwithstanding the pressing instances and repeated Messages of his Majesty to forward that Affair; they were too much taken up with the Management of their own Designs to assist that distressed Kingdom to any purpose. They gave a great many good words, and sent over Letters full of Promises of Men, Money and Provisions, but all the course they took was to borrow Money of the City of *London*, and the Merchants, which was not considerable for such a Work, and for Men; though the King offered presently to raise 10000. Volunteers, if the two Houses would undertake to pay them; they would by no means hear of it; but did all they could to discourage those Levies, by questioning such as beat up Drums for Volunteers for that Service.

By this means and by some other Actions before recounted, this Rebellion which was at first but a few Sparks, and might without difficulty have been Extinguished, grew to be an Universal Flame: And nothing can be more evident then that how general soever the Conspiracy was, many of the *Irish* stood at Gaze to see what would become of the First Commotions; but observing the little Force which was in *Ireland* to oppose them; the little probability of Succors from *England*; the great Animosities and Dissentions, and a Prospect of a Civil War in *England* between the King and the two Houses; and being encouraged with hopes of Foreign Assistance, it Imboldned those to Enter into Actual Rebellion, who if any considerable Force had been sent to Suppress them, would difficultly have Exposed themselves and their Posterity to Infamy and Ruin, of which, for their former Rebellions against the Crown of *England*, their Nation was able to produce so many fatal Instances.

But all these unhappy Circumstances concurring, the generality of the Nation of the *Romish Religion* became in a little time actually engaged in the Rebellion; and encouraged by their Multitudes, and some little Successes, they managed their Affairs with that Barbarous Cruelty and Inhumanity as will not only leave an Eternal Infamy upon the Actors; but thereby they Treasured up such a stock of Divine Vengeance, as afterwards fell upon their own Heads in the most remarkable Retaliations, that any Ages had seen, or almost any Nation felt.

But among all their Bloody Actions and Impolitick Policies, their contributing to Murder the Reputation of the Best of Princes, was certainly one of the greatest of their Crimes, and for which they paid the dearest:



dearest: For by giving out such Reports as they did, that they were the Queens Army, and that they had a Party in *England* which would assist them; the Faction of the two Houses, whose Malice was Rampant against the King, laid so much force upon these Calumnies, that the King to vindicate his Reputation from the Popular Odium of these Reports, was obliged to commit a great Power of the *Irish* Affairs, and to intrust much of the War in the hands of the two Houses; and to divest himself almost of all Power of shewing them Mercy, or granting them Pardon. And it is incredible how much Mischief these Reports did to his Majesties Affairs, and what deep Impressions these Stories, which were only little Artifices to countenance their Rebellion, made in the minds of the Common People of *England*, who, at that time were prepared to receive without the least doubting whatever was pronounced by the Leaders of the Faction to be true. And because it may caution Posterity against such fatal Credulity, I will present the Reader with some Papers which have come to my Hands in searching among the vast Papers of the Clerks Office of the Commons House, whereby he will be able to see, with wonder, that so great a Structure of Rebellion should be built upon so narrow a Foundation; I know that Fame is a perfect inverted Cone or Pyramid, which from some small point, still the higher it rises, the wider it spreads. The first Paper is a Letter under Sir *Phelim O Neals* own hand, and the very Original Letter, which was sent by the Person to whom it was Written, as I suppose, to some of the *Scotish* Nation, and by them handed to the Commons House, and was in these words.

January,  
1641.

Honoured Sir,

I Have appointed Captain Turlogh O Neale, with his Forces to go down into your Parts, to defend and maintain the Catholick Religion; Wherefore I would intreat you, if you give us no help (as all other Catholicks in *England* and *Ireland* do) to keep your self quiet at home, and to send the said Forces your best advice; you shall receive no hurt, where I can do my self or you good; and so with my Service unto your self, and my Honoured Lady of Strabane, unto whom I shall be ready to perform any Service,

A Letter of Sir  
Phelim O Neils  
to Sir William  
Hamilton.

In the Power of,  
Phe. O Neill.

23th. November, 1641.

I am to be with the Forces of Evagh, Monaghan and Cavan, to meet our Conaght Lords at Dery very shortly.

Supercribed,  
For his much Honoured and very Loving  
Friend, Sir Will. Hamilton Knight,  
these with my Service,  
Pass.

From this one Parenthesis (as all the Catholicks of *England* and *Ireland* do) the Faction improved the Scandal, not only to the Ruin of the Reputation of all the *Papists* in *England*, but by virtue of those words, and their Adherents, *Popishly Affected*, which always followed at the heels of the *Papists*; they drew in the Bishops, and Episcopal Clergy, and all the Loyal Nobility and Gentry, and Commoners of *England*, in-



January,  
1641.

to this Drag Net of Scandal, and possessed the Vulgar, especially of *London*, with a most Unalterable belief, that there was the same Design by the Prelates, Papists and Evil Councillors of the King, to act the same Cruelties against them, as the Rebels had done against the miserable Protestants In *Ireland*; and this was one of the greatest Arts, by which they raised and supported the insuing Rebellion, in which as they grew in strength and success, they shook hands so far with all modesty and duty, as to reproach even the King himself, with these horrible Calumnies and Defamations.

This following Letter was also Intercepted going to *France*, and brought to the House of Commons.

Corke this 20th. of November.

Loving Brother,

**Y**our last Letter I have received, being very glad of your forwardness in your Studies, you shall understand that our Mother and all our Friends are in good Health. I doubt not but my Cousin James doth Supply your Wants, if not, certifie me thereof, that I may see you Supplied by another, who very willingly will do it: I hope your Brother Morris will be one of the first that will go that way, and that shortly; there be a great number of Irish Catholicks out in Ulster, who have taken many Towns and Castles there, and daily do increase in Men; Their Cause of Rebellion, as they say, was for fear they should be Troubled for their Religion, and to no other intent, and if that they can have freely, they will put up their Arms, and refer themselves to the Parliament here; if this they cannot have, we are like to have a troublesom time in this Kingdom; God send us Peace: They call themselves the Queens Army; they could never in so short a time have accomplish't what they have done, if they had not some great ones to help them, which is not discovered as yet. God send us not less Liberty then we had, and then we shall not need to complain. Write to Dominick Coping Esq; and give him thanks for the 40 s. a year he was pleased to give you during your Study, though as yet he gave me none, yet certifie him of the receipt of so much by my Order, and then I shall have it. So having no more at this time but my Love to your self, my Bedfellow and little Morris remember their Love to you, and so I rest,

Your Loving Brother John Roche.

Directed A Monsieur,

Monsieur Jaques de la Roche  
Estudiant Ivernois au College  
de Raiemes Solit donne.

A Paris.

See here the most horrible Scandals afterwards fixed upon the Queen, and the King himself by the Calumniating Faction, built upon the pitiful Foundation, of an, as they say, and they call themselves the Queens Army, and the conjectural Opinion of a private Person, that the Rebels, as he calls them, had some great Ones to help them, which the leading Men of the two Houses, did as confidently aver, for positive and undoubted Truths, as if they had had a Discovery under the King or the Queens own Hand and Seal; and to make the People believe it, they so vigorously

A Letter from  
one Mr. Roche  
Intercepted  
going to France



January,  
1641.

rously pressed, that the Queen might make an Open and Publick Declaration, to be sent to *Ireland*, disavowing all manner of Countenance or Assistance to the Rebels, or the Rebellion; which was designed purposely to blemish Hers and the King's Honor, by spreading the Suspicion which the Faction had, that they were concerned secretly in this detestable Rebellion.

There were indeed some great Persons I doubt not who gave the Rebels all the Countenance, Encouragement and Assistance they could Possibly; but I am for setting the Saddle upon the Right Horse. Cardinal *Richelieu*, I make no doubt, who was in his time the great Incendiary of *Europe*, and who had had a great share in the management of the *Scotch* Rebellion, as before hath been observed, had also, a very great Influence both upon this Rebellion in *Ireland*, and that which followed it in *England*, as in due time I shall endeavour to make it appear. And to fortifie this Opinion, I will present the Reader with the Information of Mr. *James Wishert* a Scot, who in a Letter to Mr. *Pym* gives this account of himself, and the Intelligence he got among the Rebels during the space of 12 Weeks that he was a Prisoner among them; and since I have not found that Mr. *Pym* made this Information publique, which confirms me in the Opinion that this was a tender point, and *Richelieu* too much a Friend to their own wicked designs to be discovered or Exposed, I think my self bound to give Posterity all the light I have been able to discover, to enable them to look into the dark and horrid Contrivances of the Conspirators of that Age; and the rather, in regard it may be a Caution to succeeding Times, and may give them some Reason to suspect that there may be dangerous Confederacies even between the Pretenders to Reformation, and the greatest Papists though for different Ends, the Reformers to secure themselves from Justice by embroyling the Nation, and the Popish Ministers of Forreign Nations, to keep us busie at home, that so we might not be at leizure to keep the ballance even, as the Kings of *England* have ever had the Honour to do; but that our hands being tied behind us by domestique Divisions, they might be at Liberty by the Power of their Arms to Extend their Empire and Ambition beyond the Bounds and Limits, within which the Wisdom of former Ages had restrained them.

The Information was as followeth:

**O**ccurrences that I learned for truth, the time of my Bondage, First by Mr. Thomas Flemyng Father-in-Law to the Lord Inchekilling, and divers others in the Camp, That General O Neil with the Rebels had sent one Christopher Ultache a Frier to the Cardinal Richelieu, whom he detained five Weeks till he should see further of their Success; then they sent another Frier called Newgent, with whom they sent the true Relation of all their proceedings; whereupon the Cardinal hath assured to send them 16000 Sate of Arms for Foot, and 6000 for Horse to Dunkirk, and from thence to be sent to Wexford, there to be received by the O Tooles, Bearns and the Mac Farralds; and if they could not land there, to land at Carlingford, to be received by the Mac Gennis'es and Mac Carties.

As also that Con Oghe O Neil the Lawful Heir of the House of Tyrone, with Colonel Preston, Uncle to the Viscount Gormanstown, are in West Flanders, and have written to all the Irish in the Spanish Service, the Emperor's Service, or elsewhere, and they are to meet them at Dunkirk, and so to come from thence with all the Provisions they can make. That

Mr. Wishert's Information that Cardinal Richelieu fomented the Irish Rebellion.



January,  
1641.

Tredagh is of such Consequence, that the Rebels Esteemed it of Inestimable Value, in regard of the Strength thereof, the Ammunition of Powder, Ball, Cannon, and other things therein, and of the near Situation thereof to Dublin, the Rebels assured themselves of the Kingdom if they had it, and Dublin were not able to resist them.

To his Trusty and Well beloved  
Mr. John Pym.

John Wisbert.

Upon the 16th of November the Parliament met at Dublin, where little was done more than the making this ensuing Protestation.

The Protestation and Declaration of the Lords Spiritual and Temporal, and Commons in Parliament Assembled.

The Protestation and Declaration of the Irish Parliament against the Rebellion.

**W**Hereas the Happy and Peaceable Estate of this Realm hath been of late and is still interrupted by sundry Persons, ill-affected to the Peace and Tranquillity thereof, who contrary to their Duty and Loyalty to his Majesty, and against the Laws of God and the Fundamental Laws of this Realm, have Trayterously and Rebelliously raised Arms, seised upon his Majesties Forts and Castles, and dispossessed many of his Faithful Subjects of their Houses, Lands and Goods, and have slain many of them, and committed other Cruel and Inhumane Outrages and Acts of Hostility within this Realm. The said Lords and Commons in Parliament assembled, being justly moved with a right Sense of the said Disloyal and Rebellious Proceedings and Actions of the Persons aforesaid, do hereby Protest and Declare, That the said Lords and Commons from their Hearts do detest and abhor the said Abominable Actions; and that they shall and will to their uttermost Power maintain the Rights of his Majesties Crown and Government of this Realm, and the Peace and Safety thereof, as well against the persons aforesaid, their Abettors, Adherents, as also against all Forreign Princes, Potentates, and other persons and attempts whatsoever; And in case the persons aforesaid do not repent of their aforesaid Actions, and lay down Arms, and become humble Suitors to his Majesty for Grace and Mercy in such convenient time, and in such Manner and Form as by his Majesty, or the Chief Governor or Governors, and the Council of this Realm shall be set down, the said Lords and Commons do further protest and declare, That they will take up Arms, and will with their Lives and Fortunes, suppress them and their Attempts, in such a way, as by the Authority of the Parliament of this Kingdom, with the approbation of his Excellent Majesty, or of his Majesties chief Governor or Governors of this Kingdom shall be thought most effectual.

Some overtures of an Accommodation however were made by some of the Rebels, as appears by this Letter Addressed to the Lord Dillon Viscount of Costeloe, one of the Lords of the Council of Ireland, which he presented to the Board upon the 10th of Novemb. 1641.

Our very Good Lord.

The Longford Letter to the Lord Viscount Costeloe, Nov. 10. 1641.

**O**U R Alliance unto your Lordships Ancestors, and your self, and the Tryal of your and their performance of Trust unto their Friends in their greatest Adversity, encourageth us and engageth your Honour to our fruition of your future favours; The fixion our Confidence in you before any other of the Peers and privy Councillors of the Kingdom doubleth this Obligation. Your Lordship may therefore be pleased to acquaint the Lords Justices and Council (to be



January,  
1641.

be imparted unto his Sacred Majesty ) with our Grievances, and the causes thereof, the reading of which we most humbly pray, and the manner of it.

First, the Papists in the neighbouring Counties are severely punished, and their miseries might serve as Beacons unto us to look unto our own, when our Neighbours Houses are on fire : And we and other Papists are, and ever will be as loyal Subjects as any in the King's Dominions ; For manifestation whereof we send herein inclosed an Oath solemnly taken by us, which as it received indelible Impression in our hearts, shall be sign'd with our hand, and seal'd with our Blood.

Secondly, There is an incapacity in the Papists, of Honour and the Immunities of true Subjects, the royal Marks of distributive Justice, and a disfavour in the Commutative, which rais'd Strangers and Forreigners, whose valour and vertue was invincible, when the old Families of the *English*, and the Major part of us the meer *Irish*, ddi swim in blood to serve the Crown of *England* ; and when Offices should call Men of worth, Men without Worth and merit obtain them.

Thirdly, The Statute of the 2 *Eliz.* of force in this Kingdom against us, and they of our Religion, doth a little disanimate us and the rest.

Fourthly, The avoidance of Grants of our Lands and Liberties by Quirks and Quiddities of the Law, without reflecting upon the Kings Royal and real Intention for confirming our Estates, his Broad Seal being the pawn betwixt his Majesty and his people.

Fifthly, The restraint of purchase in the meer *Irish* of Lands in the Escheated Counties, and the taint and blemish of them and their posterities doth more discontent them than that plantation Rule ; for they are brought to that Exigent of poverty in these late times, that they must be sellers and not buyers of Land.

And we conceive and humbly offer to your Lordships consideration ( *Principis obsta* ) that in the beginning of this Commotion, Your Lordship, as it is hereditary for you, will be a Physician to cure this Disease in us, and by our Examples it will doubtless beget the like auspicious success in all other parts of the Kingdom : For we are of opinion it is one sickness and one pharmach will suffice, *Sublata causa tollitur Effectus* : And it will be recorded, that you will do service unto God, King, and Countrey ; And for salving every the aforesaid Soars your Lordship is to be an humble Suitor in our behalf, and of the rest of the Papists, that out of the abundance of his Majesties Clemency, there may be an Act of Oblivion and general pardon without restitution or Account of Goods taken in the time of this Commotion, a liberty of our Religion, a repeal of all Statutes formerly made to the contrary, and not by Proclamation but Parliamentary way : A Charter free Denizen in ample manner for meer *Irish* : All which in succeeding Ages will prove an Union in all his Majesties Dominions instead of Division, a Comfort in Desolation, and a Happiness in perpetuity for an eminent Calamity. And this being granted there will be all things. *Qua sunt Caesaris Casari*, and *Qua sunt Dei Deo*. And it was by the Poet written ( though he be prophane in other matters, yet in this ) prophetically *Divisum Imperium cum Jove, Caesar habet* ; All which for this present we to leave your Honourable Care : And we will, as we ever did and do remain,

Your very humble and assured, ever to be Commanded,

Hugh mac Gillernow Farrall.  
James Farrall.  
Bryan Farrall.  
Readagh Farrall.  
Edmond mac Cael Farrall.  
John Farrall in Carbuy.  
Garret Farrall.  
Lisagh mac Conel Farrall.  
Bryan mac William Farrall.

James mac Trig Farrall, his Mark.  
Morgan mac Carbry Farrall.  
Domagh mac Carbry Farrall.  
Richard mac Conel Farrall.  
William Mac James Farrall.  
James Farrall.  
Taghna mac Rory Farral.  
Cormack mac Rory Farrall.  
Conock mac Bryne Farrall.

John



January,  
1641.John mac Edmund Farrall.  
John Farrall.  
Roger mac Bryne Farrall.  
Barnaby Farrall.Redeagh mac Lisagh Farrall.  
Connor Oge mac Connor Farrall.  
Edmond mac Connor Farrall.  
Cahel mac Bryne Farrall.

Before the Parliament broke up, the Popish Lords deputed the Lord, *Dillon* to go into *England*, to carry over their Desires to the King, and to represent the Means, which they thought fittest for the suppressing of the Rebellion, and he with the Lord *Taaf* imbarqued for *England*; but by stress of Weather the Vessel was driven into *Scotland*, and they took their way by Land for *London*. But the Parliament having notice of their coming, they were by Order of the Commons seized upon, and brought up in safe Custody, and all their Papers searched and Examined. So unwilling it seems was the Faction, that any Address should be made to the King, or that any Steps should be made towards the reducing that Kingdom to his Majesties Obedience, by any sort of Treaty or Accommodation.

By this procedure though they gained upon the good Opinion of the People, whose favor they most industriously courted, and to whom nothing sounded more pleasant, then what seemed to express a Hatred and Detestation of the *Irish* Rebellion and Religion; yet certainly was it a means of running the Rebels into such Extremities, as despair of Mercy are wont to produce in those, who have transgressed the Bounds of Law and Duty, and know their Lives and Estates without it, to be forfeited to Justice.

But for the better understanding of this and some other Particulars, the Reader may peruse the following Extracts of some Letters from the Board in *Ireland*, which I found among the old Papers of the Clerk of the Parliaments Office.

Extract of a Letter of the Lords Justices and Council of *Ireland*, to the Lord Lieutenant, dated the 25th of November, 1641.

Extract of divers Letters of the Lords Justices & Council of *Ireland*, to the Lord Lieutenant; received the 6 of December by Mr. Fitz-Gerald, read Dec. 10. 1641.

**T**HE Rebels in the County of Wexford increasing daily, have taken the Castles of Arickloe, Limbrick, the Lord Esmond's House, and Fort-Chichester, places of good Strength and Importance. The Rebels also in the County of Wickloe have laid Siege to his Majesties Castle of Wickloe; those in that Castle were in fight with them Yesterday, what the issue is we yet hear not; and some of those Rebels in the County of Wickloe have dared to come within four Miles of this City, and swept away great droves of Cattle: And in both Counties, as well Wickloe as Wexford, all the Castles and Houses of the English, with all their substance are come into the hands of the Rebels, and the English with their Wives and Children strip'd naked, and banished thence by their fury and rage. The Rebels in the County of Longford do still increase also, as well in their Numbers as in their Violence.

The Ulster Rebels are grown so strong, as they have sufficient Men to leave behind them, in the places they have gotten Northward, and to lay Siege to some not yet taken, as Emiskillin in the County of Fermanagh, and Agher in Tirone, and yet to come many thousands to besiege Drogheda, in view whereof within 3 or 4 Miles they have stood with their Colours flying since Sunday the 21st of November, expecting more Forces from Cavan and that way, to gird the Town round about: They have already taken Mellifont, the Lord Moor's House, though with the loss



loss of about 120 Men of theirs, and there (in cold blood) they murdered Ten of those that manfully defended that place.

We hear also that the whole County of Lowth, both Gentry and others, are joyned with the Rebels, and that the Sheriff and John Bellew Esq; is likewise with them; this County being one of the five of the English Pale, having formerly still been true to the Crown.

In the County of Meath also (being the most considerable of the five) all the Common People and many of the younger Sons of the Gentry beyond the River of Boyne, Twenty Miles from Dublin do either joyn with the Rebels, or otherwise rob and spoil the English Protestants till within Six Miles of Dublin.

We sent to Drogheda 1100 Foot, and 3 Troops of Horse, and caused Four other Foot Companies to be raised there; and this day we send thither 600 Foot more, raw Men, and unexperienced, and another Troop of Horse: And we provide the best we may for the defence of this City, yet most of the Men we have are not Trained nor Exercised, and many of them are Irish, for others we have not; and we fear that when we come to blows, many of those will forsake their Commanders, and side with the Rebels, as they have done in the Counties of Cavan and Wickloe, where of Companies of 40 Men of our Soldiers, not above six or seven stayed on our side, but took part with the Enemy. Our main endeavour is to preserve this City and Castle for his Majesty.

The Rebels have now framed an Oath, which they Administer to all that joyn with them, the Copy whereof you have here inclosed, as it was taken out of some Copies scattered abroad for all Mens view.

To conclude, we renew our Suit for our Supplies of 100000 l. in Money, 10000 Foot and 1000 Horse in present, and Arms and Munition for them, and for the Stores and Places of Defence not yet lost; and that so much Money, Men and Arms as are already gotten may be sent onward, and the rest to be sent after, and that the third part of the Shot be Calivers, and the other two parts bastard Muskets, as more suiting with the Service of this Kingdom; and if those Supplies be not immediately sent away, the Kingdom will be in danger to be lost.

Extract of a Letter of the said Lords Justices, and Council of the 26th of November, to the said Lord Lieutenant.

**W**E have received information, That the Lord Viscount Dillon, who Two Months since was admitted to be a Member of this Board, and is now employed by the Lords House of Parliament here to attend his Majesty, carries along with him, or is to have sent after him some Writing Signed by many Papists of the Nobility and Gentry of this Kingdom; which Writing, as we are Informed, contains a profession of Loyalty to his Majesty, and an offer of themselves by their Power to relieve this Rebellion without Aids of Men from England; which if there be any such, his Lordship, though a Member of this Board, hath not Communicated with us the Justices, who ought to be made acquainted with what may have Relation to the Safety of the Kingdom.

But if the Lord Dillon's Counsel shall tend any way to stay the Succours intended to be sent us out of England, or to entertain his Majesty with a belief, that those here will raise sufficient Force to reduce this Kingdom, we humbly beseech leave to declare our Opinions herein: That is, that if our expected Succours from England be kept from us, undoubtedly the

January,  
1641.



January,  
1641.

*the English and Protestants of this whole Kingdom will be either put to the Sword, or be forced to forsake the Kingdom, and the sole Power and Sway in all Magistracy must necessarily fall into the hands of the Irish, which will at their own pleasure shake off the Government of England, and set up their Idolatrous Religion, and prove the most dangerous Enemies to England.*

*We do confide so much in the Wisdom of His Majesty, and the Parliament of England, and your Lordships prudent Conduct, of a matter so highly importing the State, as that they will not, to save a little charge, expose both Kingdoms to such Dangers, after the expence of so much English Blood and Treasure as hath been spent to gain this Kingdom, nor will the charge be lost in overcoming this Rebellion by the Wisdom and Valour of England, when it shall be abundantly recompenced, not only in the settlement of a more firm Peace and Safety to England, but also in raising a greater and more considerable Revenue here to the Crown then formerly, out of the Estates of the Authors of the mischief.*

*The Rebels keep from us all Accesses to our Markets, to starve us, as they say, nor can we help it for want of Men to send abroad several ways: So it will be absolutely necessary, that the Magazine of Victuals on the English Sea-Coasts on this side be fully stored with all speed, that Supplies be hastened hither to Dublin.*

*A Regiment of a 1000 Men raised in Munster by Colonel Garret Barry for Spain, was Commanded to Disband by the Lord President, but they continue still as they were, increasing in their numbers. We have not yet sufficient force to compel them, and it is doubted that he expects there some Arms from Foreign Parts, so as it appears necessary that the Shipping designed for guarding those Coasts be hastened away speedily.*

Extract of a Letter of the Lords Justices and Council, to the Lord Lieutenant Dated the 27th of November, 1641.

**W**E hear that some have given out, that our Dangers here are not so great as we declare, which misinformations, if they should gain credit there, might cause the lessening or retarding our Supplies, which perhaps may be the aim of those that have so misinformed, if any can be so wicked; and though we hope that such reports cannot be of equal value or estimation with the joynt representations of this State, yet we crave leave to declare, that the Rebellions, are such and so great, as we have formerly represented, and far more dangerous then Words can express, and we affirm, That if those Supplies come not speedily, the Danger will be found far more lamentable to both Kingdoms, and we beseech, that no Credit be given to the contrary.

*The Disturbances are now grown so general, that in most Places, and even round about this City within 4 Miles of us, not the open Rebels of mere Irish, but the Natives Men, Women and Children joyn together and fall on their Neighbours, that are English or Protestants, and Rob and Spoil them of all they have, nor can we help it, for want of Men, Arms and Money, being fearful to separate too farr, the little Strength we have here in Dublin, lest we be besieged, and yet we have bin necessitated this Day, to send some of those we could hardly spare, to deliver some of the King's Subjects in the County of Wickloe, likewise to send some to Drogheda for addition of Strength, so as in the mean time we must indure those publick Affronts to be put upon us.*

Tet



January,  
1641.

Yet if the 10000 Foot, and 2000 Horse which are to come from England, and the 10000 Men, which are to come from Scotland, be sent us immediately with 200 thousand Pounds in Money and Arms, to arm more Men here, we conceive some hope to overcome, even this next Summer, this Rebellion, with Honor to his Majesty, and future safety to the Kingdom, but if those Succors be not totally sent but lessened, then the War will be drawn out into a length of time, which will be more troublesome and chargeable to England, and less comfortable to the good Subjects here.

We beseech your Lordship to send some Engineer, hither, as soon as conveniently may be, we being here in great want of such.

We also pray, That the Shipping intended for guarding these Coasts, may be hastned away, we finding great Cause of Doubt, by several Examinations taken, that the Rebels expect Aids from Forraign Parts, both of Men, and Arms.

And lastly, We beseech your Lordship, that all Noblemen and Gentlemen, who have Estates in this Kingdom, and are now in England, may be commanded away hither, to partake in the labor of Keeping, as they have hitherto enjoyed the Fruit of having those Estates.

After the Prorogation of the Parliament, several Members of both Houses were deputed by Commission under the great Seal, and accordingly had Instructions from the Lords Justices to treat with the Rebels, but their little Successes, and the ill Destiny, which hung over their Heads, rendred them so Insolent, that those Indeavors proved fruitless and ineffectual to that Degree, that in Contempt and Disdain of the Offers of Peace, they tore the Order of Parliament, and the Letter that was sent unto them.

Matters growing every day more desperate, the Lords Justices and Council addressed themselves to the Speaker of the Commons House in England, to press the performance of the necessary Relief, which had been so often promised from thence. The Letter was in these Terms.

SIR,

THE Advertisements we have from the Lord Lieutenant of this Kingdom, and from you of the continued Care expressed by that Honorable House for the deliverance of this Kingdom, and his Majesties faithful Subjects therein, from the present Calamities under which we now groan, have brought unto us great Comfort and inward Contentment: And therefore we crave leave to acknowledg with all Thankfulness, the great Wisdom and Piety therein manifested by that Honorable House, to the preservation of God's true Religion, the Glory of his Sacred Majesty, the Honor of that Nation, and the perpetual Comfort of all his Majesties faithful Subjects.

It yet remains that all possible Speed be used, in hastning unto us the Succors designed for us, lest otherwise they come too late, to derive to this Kingdom, the benefit intended them by that Honorable House; and so We remain, From his Majesties Castle of Dublin 27 November 1641.

Your very assured loving Friends,

|                  |                  |
|------------------|------------------|
| William Parsons, | John Borlase,    |
| La. Dublin,      | Ormond Ossory,   |
| J. Dillon,       | Ant. Midenfis,   |
| Adam Loftus,     | Go. Shurley,     |
| Ja. Ware,        | Robert Meredith. |

Vol. II.

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Whilest

A Letter from the Lords Justices and Council to the Speaker of the Commons House in England, 27 Nov. 1641.



January,

1641.

Earl of Ormond  
made Lieutenant  
General  
of the Army  
in Ireland.

Whilest the Rebels thus daily increased in Success, and consequently in strength and Numbers, and that Supplies were very slowly advanced in *England*, and the Earl of *Leicester* designed by his Majesty for that Government made no great hast, the slowness of the Parliaments Preparations, indeed not permitting him, to repair to that important, and now dangerous and now troublefome Charge, he by the King's Approbation made the Earl of *Ormond* Lieutenant General of the Army, and accordingly sent him a Commission to that purpose. And doubtless both his Quality, and great Interest in that Nation, and a Fidelity to the Crown of *England*, drawn down from so long a descent of Illustrious Ancestors of most approved Loyalty, as well as the particular esteem which the Wise and Noble Earl of *Strafford*, had entertained of his promising Merits, gave his Majesty a full Assurance and Satisfaction in that Choice, which, as afterwards those greater Trusts, which his Majesty was pleased to confer upon him, he discharged, with that extraordinary Prudence, Courage and matchless Loyalty, as will for ever set his Reputation and Honor among the Chief of those great Names, who have been transmitted to Posterity, both for their brave and Generous Actions, and admirable Constancy in suffering all the Miseries of an adverse Fortune, rather than comply with such terms as might blemish and sully their Memories with the least stain of disloyalty or infidelity to their Religion, Prince and Country; as the Part which his Lordship had both in the better and more sinister Fortune of his King and Country, will in the Ensuing History make most evident.

His Lordship being vested in this Command, made all the application he was capable of, and the narrow Circumstances of Affairs would then admit, to put things into a Posture to oppose the Rebels; and accordingly Levies of Men were made at *Dublin*, and divers of the poor people who from all Parts came flocking thither for Sanctuary, being dispoiled by the Rebels, were formed into Companies and Regiments; but they were a sort of raw, unexperienced and dispirited Men, and not likely to prove good Souldiers in so short a time, as the Event justified.

For the *Rebels* under the Command of Sir *Phelim O Neal* drawing down towards *Tredagh*, upon which Place they had fixed their chief Design, the Lords Justices upon Information from Sir *Henry Tichburn* the Governor there, resolved to send a re-inforcement to that Garrison, which was a Place of such Importance, as that upon the preservation or loss thereof depended in a great measure the Fate of the whole Kingdom. Accordingly 600 Foot under the Command of Major *Roper*, and a Troop of Horse under the command of Sir *Patrick Weames*, were immediately ordered to March for *Tredagh*; the very day that they parted from *Dublin*, there was an Advertisement brought to the Board, that some of the Rebels Army was passed over the River *Boine*, with an Intention to intercept them in their Passage; whereupon the Earl of *Ormond* by Direction from the Council, dispatched an Express to advertise them thereof; and from thence to pass on to *Tredagh*, and to give Sir *Henry Tichbourn* notice of the approach of this intended Relief, and the Design of the Rebels, and to order him to take all possible Care of securing their Passage. Which Sir *Henry* by the same Messenger gave his Lordship assurance, he would not fail to do, and accordingly, that very Day he marched out with a considerable Party to meet them; but these loose and ill disciplined Men, not used to Military Affairs



fairs, took up their Quarters at *Batruby*, eight Miles short of *Tredagh*, by which means, he missed of joyning them that Night. The next Day they continued their March, but in a disorderly way, till they came to *Julian's Town*, where, the Rebels having notice from the Lord *Gormanston*, as Sir *John Temple* from Mr. *Creightston's* Examination affirms, were drawn up to intercept them, and by reason of a Mist which then fell, and through the negligence of the Scouts, who were sent out to give Intelligence they were got within Musket Shot of the Enemy, before they discovered them. The Major however drew them up presently into what Order he could, and they were in a Place of great advantage; but a Lieutenant unfortunately giving out the Word Counter-march, and thereupon the Men facing about in some Disorder, the Rebels gave a hideous Shout and immediately charged them. Which with their own fear unaccustomed to the dreadful Face of War, put them into such Confusion, that they could not be persuaded to make one Charge, but throwing down their Arms they every Man fled, and gave the Rebels an Easy, though considering the Number a bloody Victory, for of the whole Party only Sir *Patrick Weames* with the Horse, the Major and 2 Captains, with about 100 Men escaped to *Tredagh*, the other three Captains with all the rest of the Soldiers, except such as were *Irish*, being there cut off, and all the Arms, Ammunition and Carriages, being also taken by the Rebels.

This unfortunate Blow, as it gave great encouragement to the Rebels, so it did extremely deject the Spirits of the *English* and Protestants; but to inviven them a little, Sir *Charles Coot*, who with a commanded Party was sent out into the County of *Wicklow*, to repress the Insolencies of the *Brins* and *Tooles*, who ravaged that Country, committing many Depredations and Murthers upon the Protestants, meeting with *Luke Toole* with a thousand *Irish* under his Command, he set upon him, and quickly routed them, obliging him and his Men, to take the Sanctuary of an *Irish* Bogg for his Security. At *Wicklow* he caused some of those who were accused of the Spoiles and Robberies there, to be Executed, which the Rebels took for a Pretence to Revenge, by the Murder of many Protestants, which fell into their Hands.

About this time there arrived 20000 l. in pieces of Eight, which went curreant for 4d. more in a piece then in *England*, which was a very seasonable Supply, and gave some Life and Spirit to the drooping Affairs of the Protestants, and enabled the Government to carry on the Levies, with which they were now in Hand: his Majesty also, assisted by the Duke of *Richmond*, had caused such Proportions of Arms and Ammunition, with all the Money he could spare, to be conveyed out of *Scotland*, with Commissions to Sir *Robert Steward*, and other Persons of Quality in the North of *Ireland*, to give the Rebels a diversion on that side.

But the Rebels had set their Rest upon the taking of *Tredagh*, and therefore quitting the North, with the greatest of their Forces, they drew down towards that Place. But in their March thither, Sir *Phelim O Neil* and Sir *Con Mac-gennis* made an Attempt upon *Lisnegaruy*, where Sir *Arthur Terringham*, who commanded a small Party of 400 Foot, and was assisted by the Lord *Conwayes*, and part of Captain *St. John's* Troop to the number of 380 Horse, gave them such warm Entertainment, that they were repulsed with considerable loss, both of Men and Reputation, leaving six of their Colours, and many of their Rebellious Adherents slain upon the Place, without any considerable loss on the

January,  
1641.

The *English* going to relieve *Tredagh* defeated.

20000 l. arrives out of *England*.

The King sends Money and Arms to *Ireland* from *Scotland*.

The Rebels repulsed at *Lisnegaruy*, by Sir *Arthur Terringham*.



January,  
1641.

Protestants Side, more then of Captain *Boid* and Captain *St. John*, who fell in the Field of Honor, with some private Soldiers, and some few others, who were wounded in the Incounter. And before they fate down before *Tredagh*, a Party of 1300 Foot besieged *Mellifont* the Lord *Moore's* House, where were only 24 Musketeers and 15 Horse, who bravely defended the Place, till their Ammunition was spent, and then the Horse setting open the Gate, made their way through the Enemy in despite of their Opposition, and came safe to *Tredagh*, and the Foot yielded upon Promise of fair Quarter, which was but ill kept by the Rebels, who killed some of them in cold Blood, stripped the rest and Plundered the House, carrying away whatsoever was of any Use or Value.

And now the Lords and Gentlemen of the *Pale* seeing the Success of the Northern Rebels, and the little Force that was raised in *Ireland*, or brought over from *England* to oppose them, began to falter in their Loyalty also; and under the pretence of Fears and Jealousies, the Common Ingredients of Rebellious Designs, to stand upon their Guard, and to give too just Suspicions to the Government, that they would rather joyn with the Rebels then assist to the Suppressing them. The Lords Justices and Council therefore resolving to try them, sent this Letter to them:

A Letter from the Lords Justices and Council to the Irish Lords of the Pale.

**A**fter our very hearty Commendations to your Lordship, for as much as we have present occasion to confer with you, concerning the present State of the Kingdom, and the safety thereof in these times of danger; We Pray and require your Lordship to be with us here on the 8th. day of this Month, at which time, others of the Peers are also to be here. And this being to no other end, we bid your Lordship very heartily farewell. From his Majesties Castle of Dublin the third day of December, 1641.

Your very Loving Friends,

To our very good Lord,  
George Earl of Kildare.

Will. Parsons.  
Jon. Borlase.  
Ormond Ossery.  
Ant. Midenfis.

R. Dillon.  
Ad. Loftus.  
Ge. Shirley.  
J. Temple.  
Rob. Meredith.

The like Letters were the same day dispatched to the Earl of *Antrim*, Earl of *Fingale*, Viscount *Gormanston*, Viscount *Netervile*, Viscount *Fitz-William*, Lord *Trimblestone*, Lord *Dunsany*, Lord *Slane*, Lord of *Hoath*, Lord *Lowth*, Lord *Lambert*.

But the Lords of the *Pale* who had been already Treating with the Northern Rebels, and therefore looked upon this as an artifice to ensnare them, durst not adventure themselves to *Dublin*, but Summoning an Assembly at the Hill of *Tarah*, the Lord *Gormanston* brought thither an Answer ready drawn, which being read, and approved of, was Signed by the Lords present, and sent away; the Copy whereof was as followeth:

May it please your Lordships,

**W**E have received your Letters of the third of this Instant, intimating that you had present occasions to confer with us, concerning the present State of the Kingdom, and the safety thereof in these times of

The Answer of the Lords of the Pale to the Lords Justices, Dec. 7. 1641.



of danger, and requiring us to be with you there on the eighth day of this Instant; we give your Lordships to understand, that we have heretofore presented our selves before your Lordships, and freely offered our advice and furtherance towards the particulars aforesaid, which was by you neglected, which gave us cause to conceive that our Loyalty was suspected by you. We give your Lordships further to understand, that we have received certain Advertisement, that Sir Charles Coot Knight, at the Council Board, hath uttered some Speeches tending to a purpose and resolution, to Execute upon those of our Religion a general Massacre, by which we are all deterred to wait on your Lordships, not having any security for our safety from these threatned Evils, or the safety of our Lives; but do rather think it fit to stand upon our best guard until we hear from your Lordships how we shall be secured from these Perils. Nevertheless, we all protest that we are and will continue both Faithful Advisers, and resolute furtherers of his Majesties service, concerning the present State of the Kingdom, and the safety thereof, to our best Abilities: and so with the said tender of our humble service, we remain,

January,  
1641.

Your Lordships humble Servants,

To the Right Honourable our  
very good Lords the Lords  
Justices and Council of Ire-  
land.

|             |              |
|-------------|--------------|
| Fingale,    | Gormanston,  |
| Slaine,     | Dansany,     |
| Nettervill, | Oliver,      |
| Lowth,      | Trimbleston. |

Decemb. 7. Received 11. 1641.

For much about this time the Lords of the Pale had entered into a Combination with the Ulster Rebels, as appears by the Deposition of Edward Dowdall Esq; a Gentleman of the Pale, who was present at the whole Management of this Affair, and deeply concerned in all their Councils and Actions, who Deposed before Sir Rob. Meredith Chancelour of the Exchequer, as followeth:

**H**E Deposeth, That some four or five days after the defeat of the English Souldiers at the Bridge of Gellianstown, there Issued a Warrant from the Lord of Gormanston to the Sheriff of the County, for a general Meeting of all the County of Dulick: But the Place of Meeting was afterwards changed to the Hill of Crofty, where all the Lords and Gentry of the Country met, viz. The Earl of Fingale, the Lord Viscount Gormanston, the Lord of Slaine, the Lord of Lowth, the Lord of Dansany, the Lord of Trimblestone, the Lord Nettervile: And of the Gentry, Sir Patrick Barnwall, Sir Christopher Bellow, Patrick Barnwall of Kilbrew, Nicholas Darcy of Platin, James Bath of Acharn, Garret Ailmer the Lawyer, Cusake of Gormanston, William Mallone of Lesmullin, Sedgrave of Kileglan, Linch of the Knos, Lynam of Adamstown, Laurence Doudal of Athlumney, Nicholas Doudal of Brownstown this Examinate Brother, and him this Examine with a Multitude of others, to the number of 1000. Persons at the least, whose names he this Examine cannot for the present call to mind. And after about two or three hours spent upon the said Hill of Crofty by the Lords and Gentry aforesaid: There came towards them, Collonel Mahowne, Philip O'Rely, Hugh Boy Rely, Roger Moore, Hugh Birne, and Captain Fox, attended on with a Guard of Musqueteers: And this Examine saith, That as soon as the Parties drew

The Deposition of Mr. Dowdall concerning the Treaty between the Lords and Gentlemen of the Pale, and the Ulster Rebels.



January,  
1641.

drew near unto the said Hill, the Lords and Gentry of the Pale rode towards them, and the Lord of Gormanston, being one of the first, spake unto them, and demanded of them, Why, and for what reason they came Armed into the Pale; Unto which Roger Moore made present Answer, That the Ground of their coming thither, and taking up Arms, was for the Freedom and Liberty of their Consciences, the maintenance of his Majesties Prerogative, in which they understood he was Abridged, and the making the Subjects in this Kingdom as free as those in England were: Whereupon the said Lord of Gormanston, desired to understand from them truly and faithfully, whether those were not pretences, and not the true ground indeed of their so doing, and likewise whether they had not some other private ends of their own; which being by all denyed, upon profession of their sincerity, his Lordship the Lord Gormanston then told them: Seeing these be your true ends, we will likewise joyn with you therein: unto which course all agreed. And thereupon it was publickly and generally declared, that whosoever should deny to joyn with them, or refuse to assist them therein, they would account him as an Enemy, and to the utmost of their Power labour his Destruction. And this Examine saith, That after the agreement so made as aforesaid, There issued another Warrant to the Sheriff of the County of Meath, to Summon all the Lords and Gentry of the County of Meath, to be at the Hill of Taragh about a week after; and accordingly there met at the same place the Earl of Fingale, the Lord of Gormanston, and the rest of the Lords and Gentlemen aforementioned, together with Sir Thomas Nugent, and Nicholas Plunket the Lawyer, Birford the Lawyer, and a multitude of others; and the work of that day was first to make Answer to a Summons made by the State for the calling of the Lords unto Dublin; which Answer was brought ready drawn by the Lord of Gormanston, and presented by his Lordship, and being perused by the said Council at Law, was Signed by the Lords.

The Board having Information that Luke Netterville Esquire, George Blackney of Rickenhore Esquire, George King of Clantarf, and others, were Assembled at Swords, they sent to charge them upon their Allegiance forthwith to depart and not to unite any more in such a manner, as by the following Order from the Board appears.

### By the Lords Justices and Council.

William Parsons,

John Borlase.

An Order of the Lords Justices and Council to dissolve an unlawful Assembly at Swords, Dec. 9. 1641.

**W**Hereas we have received Information, that Luke Netterville Esq; George Blackney of Rickenhore Esq; and George King of Clantarf Gentleman; and other Gentlemen of the County of Dublin, with great numbers of Men, are Assembled together in a Body at Swords and thereabouts, within six Miles of this City, for what intent we know not, but apparently to the Terror of his Majesties good Subjects; and though considering the unseasonableness of this time, chosen for such an act without our privity (whatsoever their pretence is) a construction might be made thereof to their disadvantage; yet we being willing to make an Indulgent Interpretation of their Actions, in regard of the good opinion we have of the Loyalty of those Gentlemen, who (it seems) are principals amongst them in that Assembly, and conceiving there may be some mistaking in that enterprise, we have chosen the rather hereby to charge the said Luke Netterville,



terville, Blackney, King, and all the Persons there Assembled with them, upon their duties of Allegiance to his Majesty, immediately upon sight hereof to separate, and not to unite any more in that manner without direction from us: and that the said Neterville, Blackney, King, and six others of the Principal Persons, of those who are so Assembled at Swords, or thereabouts as aforesaid, do appear before us to morrow morning at ten of the Clock, to shew the cause of their Assembling in that manner, whereof they may not fail at their extream Perils. Given at his Majesties Castle of Dublin, 9. Decemb. 1641.

January,  
1641.

Ormond Ossery,  
Rob. Dillon,  
Cha. Lambart,

J. Temple,  
Charles Coot.

But instead of Obedience to the Commands of their Lawful Superiors they returned this Answer; *That they were constrained to meet there together for the safety of their Lives; That they were put into so great a Terror by the rising out of some Horse Troops and Foot Companies at Dublin, who Killed four Catholicks, for no other reason than that they bore the name of that Religion, as they durst not stay in their Houses; and therefore they resolved to continue together, till they were assured by their Lordships of the safety of their Lives, before they ran the hazard thereof, by manifesting their due obedience to their Lordships.* And there they began to form a kind of an Army, Constituting *Richard Golding, Thomas Russell, Francis Russell, Robert Travers, Christopher Hollywood* and others, to be Captains over such Men as they had, and intended to Raife.

Hereupon the Lords Justices and Council Published a Proclamation the 13<sup>th</sup>. of December, Declaring their Innocency, and that those four they alledged were Killed as *Papists*, one of which was a *Protestant*, were such as were found actually Guilty of Rebellious Courses; commanding them upon their Allegiance to his Majesty, to separate upon sight of their Warrant, and that the said *Luke Netterville* and his Accomplices should appear before the Board on the 18<sup>th</sup>. of the said Month, to the end they may be fully heard by the Lords Justices and Council, to which end their Lordships thereby gave them and every of them, the Word of the State, that they might then securely and safely repair thither, without danger of any trouble or stay whatsoever.

But they took little notice of these Commands, or Promises, but continued still at *Swords*, and their Numbers increasing, they threatned to come and Incamp at *Clantarfe*, a little Village Situate upon the very Harbor of *Dublin*, where some of their Party had already at low Water Seized and Plundred a Barque lying there, carrying a great part of the Goods they took from Aboard her, to the dwelling House of Mr. *King*, who was owner of that Village. This insolent and daring Villany, put the Board upon a very quick and severe Resolution, fearing that if they should in good earnest Seize upon that Village, and make any Fortifications there, by the Assistance of the Rebels Ships at *Wexford*, they might stop up the Haven of *Dublin*, and prevent all Relief from coming to them from *England*, which was the only Remainder of hopes which they had left. And therefore the said *King* continuing in his Contumacy with the other Gentlemen at *Swords*, an Order of Council was Issued to Prosecute the Rebels at *Clantarfe*, and their Relievers, as follows:

By



January,  
1641.

## By the Lords Justices and Council.

William Parsons.

John Borlase.

Order of the  
Lords Justices  
and Council  
for prosecu-  
ting the Rebels  
at Clantarfe,  
&c. 14th. Dec.  
1641.

**F**Orasmuch as divers of the Inhabitants of Clantarfe, Raheny and Kilbarrock, have declared themselves Rebels, and having Robbed and Spoiled some of his Majesties good Subjects, are now assembled thereabouts in Arms in great Numbers, Mustering and Training of their Rebellious Multitudes, to the Terror and Danger of his Majesties good Subjects as well at Land as at Sea, which their boldness is acted in such a manner, as to put scorns and Affronts upon this State and Government, they acting such Depredations even before our Faces, and in our own View, as it were in despite of us; It is therefore Ordered, that our very good Lord the Earl of Ormond and Ossery, Lieutenant General of the Army, do forthwith send out a Party of Souldiers of Horse and Foot, to fall upon those Rebels at Clantarfe and thereabout, who in such disdainful manner stand to out-face and dare us; and to endeavour to cut them off, as well for Punishment of them, as Terror to others, and to Burn and Spoyl the Rebels Houses and Goods, and to prevent their further annoying of the Shipping going out and coming in, and lying in Harbour; those Souldiers are to bring up or cause to be brought up to the new Crane at Dublin, such of the Boats and Vessels now lying there as they can upon the sudden, and to Burn, Spoyl, Sink, and make unserviceable the rest. Given at his Majesties Castle of Dublin, 14th. December, 1641.

Ormond Ossery,  
Rob. Dillon,  
Cha. Lambart,  
Ad. Loftus,

J. Temple,  
Cha. Coote,  
Fr. Willoughby.

Also the same day an Order was Issued from the Board for Prosecuting the Rebels at Swords, as followeth.

## By the Lords Justices and Council.

William Parsons.

John Borlase.

An Order of  
the Lords Ju-  
stices & Coun-  
cil for prose-  
cuting the Re-  
bels and their  
Relievers at  
Swords, Dec.  
14th. 1641.

**W**Hereas divers Rebels lately Assembled at Swords and other Places, where they continued in Warlike manner, braving this State, and Robbing and Spoyling his Majesties Good Subjects thereabouts, in Scorn and Contempt of this Government, and Terror of his Majesties well affected Subjects thereabouts: And whereas those Rebels have been harboured and relieved by the Inhabitants of Swords, and other Places, who have shewed so much readiness to comply with them, and good affection towards them, as they did not in all the time they continued there send us any Advertisement thereof; or of the Number or Strength of the Rebels, whereby we might take a course to Vindicate his Majesties Honour in this State and Government, from the Scorn and Affront of the Rebels, and render deliverance and safety to his Majesties good Subjects. It is therefore Ordered, That our very good Lord, the Earl of Ormond and Ossery, Lieutenant General of his Majesties Army, do forthwith send out a Party of his Majesties Forces Horse and Foot, to fall upon those Rebels, and their said Relievers, and Harbourers, and to cut them off, and as well for Punish-



*Punishment of those their Relievers, as for Terror to others, to Burn, Spoyl, and Destroy the Houses, Corn, and all other Goods of the said Relievers at Swords, or other Places where the Rebels have been or are Relieved. Given at his Majesties Castle of Dublin, the 20th. day of December, 1641.*

January,  
1641.

Ormond Ossery,  
Cha. Lambart,  
Ad. Loftus,  
Jo. Temple,

Cha. Coote,  
Fr. Willoughby,  
Ja. Ware.  
Rob. Meredith.

And accordingly the next day Sir *Charles Coot* with a Commanded Party, went to *Clantarfe* and set the Village on Fire, Burning their Boats and Houses, so that they were disabled from making that Place a Nest of Pyrats, and from giving Disturbance to the Haven of *Dublin* as was feared.

Of these Occurrences and the Deplorable condition to which they were then reduced, being on all hands Surrounded with Arms and Dangers, and ill-assured of the Fidelity of the Inhabitants of the City of *Dublin*; the Board gave a large account to the Earl of *Leicester*, Lord Lieutenant of *Ireland*, in this ensuing Letter.

*May it please your Lordship,*

**B**Y your Letters of the third of *December*, we made known to your Lordship, that Mr. *Hawtrige* was then newly arrived with the Treasure sent us from thence, which came but to sixteen thousand five hundred fourscore and ten pounds, a supply of Treasure far short of that which is now become necessary to perform any considerable service here against the *Rebels*, whose numbers are increased wonderfully, insomuch as the Forces they have about *Drogheda* on all sides it, and between *Drogheda* and this place, reaching even within four miles of this City, are upon very credible report, conceived to be above twenty thousand men, and besides those numbers who are so united between this and *Drogheda* and thereabouts, there are many thousands of them dispersed the whole Kingdom over; for the meaner sort of people first rise generally; and then those of better quality follow after: and the fire which was first kindled in *Ulster*, and lay a while smothered in other parts, begins now to break out so generally, as the defection now appears to be universal throughout the whole four Provinces; so strangely rooted was the combination, and that strengthened under the specious shew of a War for Religion; for although before and since the Caution we had from your Lordship, We have on our part endeavoured not to give any apprehension to the *Irish*, that *England* doth intend to make it a War of Religion, yet as we formerly made known to your Lordship the *Rebels* labour mainly to have it so understood. Nay, they now go so far as they call themselves generally the Catholick Army, a Title which hath drawn many thousands to their party, and yet many joyned with them for no other reason than because they saw our Succours expected forth of *England* and *Scotland* deferred; they rightly judging, that without those Succours, we are not able to defend them our selves; and indeed until those Succours come, they must and will still encrease; but if our men and arms were once arrived, the very countenance of their coming would draw many from them to us, and give stop to the fury, with which they yet carry all before them whither soever they come.

▲ Letter from the Lords Justices & Council, to the Lord Lieutenant of Ireland, Dec. 14th. 1641.

They continue their rage and malignity against the *English* and Protestants, who if they leave their goods or cattel for more safety with any Papists, those are called out by the *Rebels*, and the Papists goods and cattel left behind; and now upon some new Councils taken by them, they have added to their former, a farther degree of cruelty, even of the highest nature, which is to proclaim, That if any *Irish* shall harbour or relieve any *English*, that be suffered to escape



January.

1641.

scape them with his life, that it shall be penal even to death to such *Irish*; and so they will be sure though they put not those *English* actually to the Sword, yet they do as certainly and with more cruelty cut them off that way, than if they had done it by the Sword; and they profess they will never give over until they leave not any seed of an *English-man* in *Ireland*.

Nor is their malice toward the *English* expressed only so, but further even to the Beasts of their fields, and improvements of their hands, for they destroy all Cattel of *English* breed, and declare openly, that their reason is, because they are *English*; so great is their hatred, not only to the persons of the *English*, but also to every species of that Nation; and they destroy all improvements made by the *English*, and lay waste the Habitations.

We formerly signified to your Lordship, that to take away all jealousy from the Papists of the *English Pale*, we would furnish them with some Arms, and the rather because we well know that in the last great Rebellion in *Ireland*, the *English Pale* stood firm to the Crown of *England*; and that the Rebel *Tyrone* in the height of his power and greatness, was never able to get into the *Pale* with his Forces, whilst he was in Rebellion; and upon this occasion, the Noblemen and Gentlemen of the *Pale*, making deep professions of their Loyalty to His Majesty, in imitation of their Ancestors, and with expressions seeming to abhor the Contrivers of this Rebellion here, against whom they offered their power and strength, so as they might have Arms; and we being well assured, that if we could gain their concurrence with us, it would much facilitate our work; we did at their earnest suit issue for them Arms for one thousand seven hundred men, wherewith divers Companies were armed by them, and some of themselves were appointed Governors of the Forces of the Counties, and Captains of their Companies; but so many of those Companies revolted to the *Rebels*, and carried away their Arms with them, as we have recovered back but nine hundred and fifty Arms; so as those whose Loyalty we had reason to expect would help us, are now thorough their disloyalty turned against us, and are strengthened with our own Arms; and without all question, if those of the *English Pale* had done their parts as became good Subjects with their Arms they had from us, and those they might gather amongst themselves, they might with our help not only have defended the *Pale*, against the *Rebels*, but might also have prevented the ruin and destruction, wrought by their Tenants and Neighbours on the poor *English* and Protestants among them; for the Noblemen and Gentry sate still and looked on, whilst the *English* and Protestants were ruined before their faces; the Papists in the mean time remaining secure, without the loss of goods, or any thing else.

When we saw the power and strength of the *Rebels* still growing upon us more and more, and approaching by degrees more near to us, and the *English* and Protestants robbed and spoiled even within two miles of this City, in disdain and affront of this State, which are scorns of so high a nature as we could not endure, if we had strength sufficient to repress their insolencies; and when we observed the retarding of our Succours of Men and Arms from *England* or *Scotland*, neither of both Succours being yet come, nor as we heard so much as in view there or in *Scotland*; and when we found apparently that for want of those supplies, we became in a manner so contemptible, as we were in danger to be set upon for taking from us this City and Castle before our aids should come, we bethought us of all the means we could of gaining time, being confident that we cannot be so deserted by the State of *England*, but that some supplies may yet come unto us: And therefore on the third of *December*, we directed our Letters to divers of the Nobility of the Kingdom who were nearest to us, and most of them being of the *English Pale*, to be with us here on the eighth day of this Month, that we might confer with them concerning the present state of the Kingdom; and we hoped by their help, to handle the matter so as we might gain a few days time before our surprisal here, by which time in all likelihood our Succours might arrive, although it be boldly given out by the *Rebels*, that we shall have no Succours from thence, which they divulge to embolden their party, and to strike terror and discouragement into the well-affected, amongst whom there are many so weak, as to apprehend from thence too much fear, whereby many are fled the Kingdom.

On



January,  
1641.

On the eighth day of the Month, the Earl of *Kildare*, the Lord Viscount *Fitz Williams*, and the Lord Baron of *Houth* came unto us, but the rest of the Noblemen not coming deferred our conference, and on the eleventh day of this Month we received Letters from seven of them, namely, the Earl of *Fingale*, the Lord Viscount *Gormanston*, the Lord Viscount *Netterville*, and the Lords of *Slaine*, *Trimblestone*, *Dunsany* and *Lomth*, dated the seventh day of this Month, and signed by them, pretending a fear of a Massacre on those of their Religion, and that therefore they are deterred, to wait on us, but do rather think it fit to stand upon their guard; and how that resolution of theirs may stand with the Loyalty they profess, we humbly submit to your Majesties Excellent Judgment, for whose Royal View we send you here inclosed, a Copy of their said Letters.

When we received those Letters, we did admire whence their fears of coming to us should arise; but afterwards we heard that they had been in consultation with the *Rebels*, which also as to most of them is confirmed by the enclosed Examination of *Christopher Hampton*, and indeed we know no cause of fear; they have of us, unless their own guilts begot in them the fear they pretend; and they spare not though unjustly to charge us with a neglect of their advices; whereas not one of them to this House offered to us any advice or real assistance towards Pacification of these troubles.

It became then publick (nor could we keep secret that which they had published to others) that those Noblemen so far sided with the *Rebels* as they now stood on their guard; we therefore adjudged it fit for vindicating the State from the aspersion which we found so publicly endeavoured to be laid upon us, to publish the enclosed Proclamation, as well to satisfy the world as those Noblemen, who certainly are abundantly satisfied in their own secret thoughts that we never intended to Massacre them or any other; that being a thing which we and all good Protestants do much abhor, whatever the practice of their Religion is, and hath been found to be by woful experience in other parts, whereof we confess we are now in great danger, if our long expected Succours come not the sooner to us; and it may be gathered from that unexampled Tyranny which the *Rebels* have already exercised towards those of our Nation and Religion, who fell into their hands, what we for our parts may expect from them; but the dishonour and shame which may reflect upon the *English* Nation by exposing this State and Kingdom to so apparent ruin, and with it the extirpation of Gods true Religion, afflicts us more than the loss of our own lives and fortunes, when all might be saved by sending seasonably those Succours.

We lately received Letters from the Lady *Ofaly*, and a Letter containing most insolent Menaces inclosed therein, sent her from the *Rebels*, to which she sent them a Noble Answer, Copies whereof we send here inclosed.

One of the *Rebels* styling himself Chaplain Major and Overseer of the Coasts and Harbours, lately sent a Summons in a proud and vaunting manner, to one *Edward Leech*, that was entrusted to keep the Island of *Lambay*, requiring the delivery up of that Island to the *Rebels*, which being done, he gave *Leech* a Pass, wherein he styles the *Rebels* Forces the Catholick Army: A Copy of which Summons and Pass we send your Lordship here inclosed; and *Leech* told us that that mighty Chaplain declared openly to him, That he was Plotter of this Rebellion, That he had spent in Travel and Prosecution of that design beyond Seas four thousand pound; and that all the Kings in Christendom, excepting the King of *England*, and the King of *Denmark*, have hands in this business.

A Castle in the Town of *Longford*, held by the *English*, who stood out a while against the *Rebels*, being in the end through want of victuals necessitated to be rendered up to them upon promise of quarter, a *Popish Priest* standing with his *Skean* in his hand, watching for the coming forth of a Minister then amongst the *English*, did by thrusting that *Skean* into the Ministers guts, and ripping up his belly, give that as a signal to the *Rebels*, for falling upon the rest of the *English*, which they did accordingly, as soon as the Minister was murdered killing some, and hanging the rest most perfidiously.

On the ninth of this Month we received advertisement, that great numbers of



January,  
1641.

men were gathered together in Warlike manner at *Swoords* in the County of *Dublin* within six Miles of us, they having the Army of the Rebels behind them on this side *Drogheda*, whereupon we then immediately sent out our Warrant, commanding them to disperse: A Copy whereof we send your Lordship here inclosed, which was not obeyed; but a Letter sent us from *Luke Netterville* Son to the Lord Viscount *Netterville* and others of them; A Copy whereof we likewise send here inclosed; whereupon we published the inclosed Manifest, for vindicating this State from their aspersions also: And it is observable, that those Gentlemen at *Swoords*, could even on that very *Tuesday* Night, wherein they alledge they were so affrighted at their Houses, assemble twelve hundred Men together in that Moment of time, to have in readiness against any Attempt from the State; whereas for many Days before, they could sit still and look on, whilst an Army of the Enemy lay behind them, betwixt them and *Drogheda*, and whilst some of them openly declared Rebels, and many of their Neighbours, who doubtless hold underhand Intelligence with the Rebels, robbed and spoiled the *English* on all Parts round about them; and yet those Gentlemen could not in all that time be either so affrighted by the Rebels, or so compassionate of their poor *English* Neighbours, as to assemble any men for the defence of themselves, or those their poor *English* Neighbours; and certainly those Gentlemen might have been as believing in this State, who have always used lenity and mildness towards them, as in the Forces of the *Rebels* which lie so near behind them, and who they know have murdered many of His Majesties good and innocent Subjects, and for ought they know (if there were not secret intelligence between them) might have used them also in like manner.

But the truth is, we conceive those Gentlemen had a mind to joyn with the *Rebels*, and do now take up pretences to cover their disloyalty, and cast Scandal on this Government.

The *Rebels* in the *Pale*, as in other Parts, have caused Masses to be said openly in the Churches, expelled the Ministers from Officiating in their Churches, and forced divers persons for saving their Lives and Goods to become *Papists*; openly professing that no *Protestant* shall be suffered to live in *Ireland*; and whilst they insult thus over all the *English* and *Protestants*, destroying them for no other reason, but for that they are *Protestants* and *English*, we let fall nothing against them touching Religion, and yet they feign things against us, tending that way, to give some colour to their cruel proceedings.

The *Rebels* of the County of *Kildare* have taken the *Naas* and *Kildare* in the County of *Kildare*. The *Rebels* of *Meath* have taken *Trim*, and *Ashboy* in the County of *Meath*, and divers other places: The *Rebels* of the County of *Dublin*, have possessed *Swoords* and *Rathcoole*, and spoiled all the *English* and *Protestants* even to the Gates of *Dublin*; and now about Fifteen hundred of the *Rebels* of *Wiclow* are in and about *Powerscourt*, and about Ten miles from this City: There are also between this and the *Naas* within six or seven miles of us, a Thousand of the *Rebels* of *Kildare*, and the Borders of *Wiclow* and *Dublin*, so as we are in this City invironed by them on all sides by Land, and they begin to stop access to us by Sea; for the Fisher-men on the Sea-Coasts being all *Irish* and *Papists* Inhabitants in the *Pale*, break out also into Rebellion with the Multitude, and have robbed, spoiled and pillaged even within the Bay of *Dublin* several Barks coming hither forth of *England*. And if to revenge this Villany on the Fisher-men at *Clantarfe* and thereabouts, so near us, we send forth a Party of Souldiers to burn and spoil those *Rebels* Houses and Corn, the Gentlemen of the *Pale* will immediately take new offence; but that we will adventure upon: for now there is no dalliance with them, who so far declare themselves against the State, not caring what Scorns are put upon the Government; wherein is observable, That the Landlord of *Clantarfe* is one of those Gentlemen risen in Arms at *Swoords*.

Your Lordship now sees not only the necessity of hastening with all possible speed our Succours of Men and Arms both out of *England* and *Scotland*, in greater Numbers than those at first designed, seeing the breach appears to be far greater, and the defection more general than at first was conceived; and yet so as such of them as are ready be not forced to stay for the rest, but that those may be so ordered as to come after; for no flesh can imagine, unless they saw it as we do, the greatness of our danger, who are but a handful in comparison of the multitudes



January,  
1641.

multitudes risen against us : And we desire that the Ten thousand designed to come from *Scotland*, may be wholly sent away, as well the Five thousand intended to be left there in readiness as the rest, with direction to land as near *Dublin* as they may, and wheresoever they Land to March to *Dublin*, if possibly they can ; And to send away with all speed the Ships appointed for guarding these Coasts, is also very necessary to be hastned, and that two or three Ships of good Strength follow after : doubtless these *Rebels* expect a very great Supply of Arms and Munition from Foreign Parts, either *Spain* or *France*.

And although out of the fore-sight we had of this extremity since these Troubles began, we have endeavoured to get in some Provisions of Victual and Corn, yet we have not been able to provide our selves sufficiently to stand out any long Siege ; nor can we now get in any more, our Markets being almost taken away, and the Strength of the *Rebels* surrounding us so as we can fetch in no more Provisions ; wherefore we beseech your Lordship, that the Magazines of Victuals designed to be settled on that side, may be settled with all speed, if it be not done already, whereby we and the Succours we expect, may not be in distress of Victuals for our selves or them, or Oats for our Horses. Our want of Victuals is the more, in respect of the daily access of the *English* spoiled in the Country.

The necessity of the defence of the Province of *Munster*, required the immediate raising of a Regiment of Foot consisting of One thousand Men, and two Troops of Horse of Threescore each Troop, which Threescore we appointed the Lord President to raise, and for the payment and arming of them, we humbly advise, seeing we cannot do it, That Money and Arms be sent from thence to *Toughall*, with a further Supply of Arms and Munition for the Stores in that Province now much wanting there.

And as the *Rebels* which have beset us and this City on all sides by Land, do threaten to cut off our Market at *Dublin*, which we begin to feel already : so they boldly declare, That they will within a day or two cut off the Water-Course which brings water to this City and Castle ; and that done, That their Multitudes will immediately burn our Suburbs, and besiege our Walls ; which we confess we yet want Strength to defend, and must wait till our Supplies come forth of *England* or *Scotland*, or both : for here we have but about Three thousand men, the rest of the Old Companies being dispersed in several needful Garrisons in the Countrey, (excepting Seven Companies of them surprized, and cut off by the *Rebels* at their first Rising in *Ulster* and other parts) and about Two hundred Horse, by pole of the Old Army, whereof many are *Irish* : so as considering the spaciousness of this City and Suburbs to be defended, the smallness of our number to defend them, and the great numbers of Papists Inhabitants in this City and Suburbs ; and lastly, the very great Numbers of the *Rebels*, who are so strong as to approach this City with many Thousands, and yet leave many Thousands also at the Siege of *Drogheda*, we cannot expect to be able to defend this City for any long time against them, without the arrival of our expected Succours.

The Earl of *Castle-Haven* on the Tenth of this Month, presented at this Board the inclosed Oath tendered unto him by the *Rebels* to be sworn by him, which he saith he refused to swear, and we hear they send it to all Parts to be tendered to the people, pressing them to take the Sacrament thereupon.

We did lately, in hope to gain some time until our Supplies might come, listen to an Offer made by some *Popish Priests* to go to the *Rebels* and Treat with them, as you may perceive by the inclosed : But since we find there is little hope of it ; for some of the *Priests* are returned, nothing being wrought thereby.

However it is fit your Lordship should know what we do ; we must now crave leave to declare to your Lordship, That things being risen here to this height, threatening not only the shaking of the Government, but the loss of the Kingdom, as the Supplies of Men, Arms and more Treasure, are of great necessity to be hastned away hither ; so is it also needful that we enjoy your Lordships presence here, for the conduct in your own person of the great and important Affairs of this State, as well in the Martial as in the Civil Government, which do necessarily require it in this time of great imminent danger, wherein so far as we may be able to contribute any assistance with you, we shall be ready to discharge our duties therein, with that loyalty and uprightness of heart which we owe to his Majesty, and the particular respect due from us to your Lordship ; but we hope  
you



January,  
1641.

you will bring that strength with you, which may besit the greatness of the King our Master to send with his Lieutenant against so numerous Enemies as these *Rebels* are become, as well for the Honour of his Majesty, as for the terror of those *Rebels*.

By what we have heretofore and now humbly represented to your Lordship, you may in part see the greatness of the publick danger wherein this Kingdom now stands, and particularly this City and Castle, the principal piece thereof, that if those be lost, (which we now again assure your Lordship, were never in so great peril to be lost since the first Conquest of this Kingdom by the Crown of *England*) the whole Kingdom must quickly follow; that the danger which must thereupon arise to the Kingdom of *England*, is very great in many Respects. There is no possibility to prevent those Evils with Honor and Safety to *England*, but by Succors from thence or *Scotland*, or both; and that if those Succors come not speedily, it cannot be avoided but the Kingdom must be lost.

And if notwithstanding all this so often and truly made known by us to your Lordship, we shall perish for want of Supplies, we shall carry this Comfort with us to our Graves or any other Burial we shall have, That your Lordship can witness for us to the Royal Majesty, and to all the World, that we have discharged our Duties to God, to his Majesty, to that Nation, and to this, in humbly representing to his Majesty by your Lordship, the chief Governour of the Kingdom, the Extremities and Dangers wherein his Kingdom and People stand, and the necessity of hastning Supplies hither, by all possible means for preservation of both; so as whatever become of our persons, our memory cannot be justly stained with so wretched a breach of Faith and Loyalty to the King our Master, as to forbear representing thither the Extremities wherein we are, whether we have the Credit to be believed or no; and that we write Truth, and most needful Truth, will be found true, when perhaps we shall perish; and which is more considerable, the Kingdom also for want of being Relieved and Succoured in time. And so we remain

Your Lordships to be Commanded,

*William Parsons,*

*Jo. Burlace.*

*Ormond Ossory.*

*R. Dillon.*

*Char. Lambert.*

*Ad. Loftus.*

*John Temple.*

*Charles Coot.*

*Francis Willoughby.*

*R. Meredith.*

From his Majesties Castle of  
*Dublin, 14 December, 1641.*

#### Postscript.

**B***T our Letters to your Lordship of the 22. of November, We did desire to be informed from thence, Whether the Parliament here being once Prorogued, may not again be Prorogued by Proclamation before they Sit; or whether it be of necessity that they must Sit again, and the Parliament to be Prorogued the House Sitting. And now that this Rebellion hath over-spread the whole Kingdom, and that many Members of both Houses are involved therein, so as the Parliament cannot Sit; We humbly desire to know his Majesties Pleasure therein, and if his Majesty shall think fit to Prorogue it, which at present we hold expedient, that then we may receive his Commandment for Prorogation, and that the doubt concerning that be cleared; for to assemble at that time, cannot be with Safety.*

*Our Letters of the Third of December, have been hitherto withheld on this side by contrary Winds.*

The



The Propositions mentioned in this Letter for a Treaty by Sir Thomas Carey, and Dr. Cale, a Doctor of the Sorbon, were,

*First, That there should be a Toleration of Religion.*

*Secondly, That Popish Officers, as well as Protestants should be admitted to all Employments.*

*Thirdly, That the wrongs of Plantations should be repaired since 1610.*

*Fourthly, That there should be a Proclamation to take off the File the Title of Rebels and Traitors.*

But Sir Phelim O Neil would not be perswaded to condescend to any manner of Treaty, unless the Lord Mac-guire, Mac-Mahon, and the other Prisoners in the Castle were first set at Liberty ; which the Board rejecting with Contempt and Indignation, that Overture died almost as soon as it was born.

Though it now began to be notorious that the Lords of the Pale were deeply in the Conspiracy, yet to take away their pretences, the Board published a Proclamation, and sent it to those Noblemen ; wherein it was positively Affirmed, That the Lords Justices and Council did never hear Sir Charles Coot, or any other, utter at the Council Board, or elsewhere, any Speeches tending to a Purpose or Resolution to Execute on those of their Profession, or any other, a general Massacre ; nor was it ever in their thoughts to dishonour His Majesty, or the State, by such an Odious, Detestable, and Impious Action, giving them assurance of their safety, if they would repair to *Dublin* the 17th of that Month.

In Answer to which, the Lords of the Pale return a Letter to the Lords Justices, wherein they complain, That they were so justly affrighted with Sir Charles Coot's severity and deportment, that they durst not adventure their persons within the Confines of his Government ; they heavily charge upon him the inhumane acts perpetrated in the County of *Wickloe*, the Massacre of *Santry*, and the burning of Mr. King's house at *Clantorfe*, contrary to the Publick Faith given but the day before ; for which severity they said they did not blame their Lordships, but Sir Charles Coot, for his Rigor in the Execution ; and therefore desire that no sinister Construction may be made of their stay, but that they may have some Commissioners appointed to confer with them ; concluding with professions of their Loyalty, and readiness to give their advice for the advancement of His Majesty's Service, and the Common Peace of the Kingdom.

But though they did not proceed to open Hostilities, chusing rather to force the Government to be the Aggressors, yet they began to form themselves into a distinct Body of an Army, and thereupon declared the Lord Gormanston General of the Forces to be raised in the Pale ; Hugh Birne Lieutenant General, and the Earl of Fingal General of the Horse : And to straiten the City of *Dublin* by keeping Provisions from coming thither, Luke Neterville sent two strong Parties, the one to possess *Finglass*, within two Miles of the City, and the other to *Santry*, where they lay till those at *Finglass* were dislodged from thence by Col. Crafford, lately arrived out of *England*, with a Recommendation from the Prince Elector Palatine, under whom he had served in the Wars of *Germany*. The dislodging of the Rebels from *Finglass* happened by a pretty odd Adventure, for Crafford having raised a Regiment of the stripped and despoiled *English*, who came to *Dublin* for Sanctuary,

January,  
1641.

Some Over-  
tures for a  
Treaty.

The Board  
Vindicates Sir  
Charles Coot  
and themselves  
from the Im-  
putation of  
the Lords of  
the Pale.

The Answer of  
the Lords of  
the Pale.



January,  
1641.

ctuary, he daily Exercised them, and being a Person of a good competency of Confidence and forwardness, he requested the Earl, now His Grace the Duke of *Ormond*, to take a view of them, and see how well in so short a time he had improved and disciplined his Men; the next Morning His Grace with about 20 Horse of his Servants, and some Persons of Quality, went into the Field to see them Train, but when he came there he found no Men upon the place, but presently after hearing some shooting, and conceiving they might be marched to some more convenient place, he advanced to the place where by the shooting he judged they were; when he came near, he saw there was a Man brought off wounded, whereupon he perceived it was no matter of Jest, for it seems *Crafford*, who had resolved to signalize himself, had made an attempt upon the Rebels at *Finglass*, but his Men who had scarcely recovered the fright they had escaped, were not so well in either Courage or Discipline, but that they had shewed the Rebels their Backs, if His Grace by the opportune appearance of this small body of Horse had not reinforced them, and the Rebels having no Horse, and not knowing what strength or numbers were coming upon them, immediately retired, and drew off from the place. The other Party at *Santry*, hearing of the approach of Sir *Charles Coot*, consulted with their heels for the security of the rest of their Bodies, and quitted the place with so much fear and haste, that they left behind them the best part of their Equipage and Provisions.

And to add to these misfortunes, under which the Government, and the *English* Protestants were so miserably oppressed, the Provinces of *Munster* and *Connaght* now followed the Example of *Ulster* and *Lemster*, and broak out into actual Rebellion; so that now there was not one Corner of *Ireland*, but what was infected with this dismal Contagion, the whole Body was sick, and the Heart faint and languishing.

The landing of Sir *Simon Harcourt*, a brave Experienced Captain, with his Regiment, who arrived at *Dublin* the last of *December*, raised some hopes that Assistance and Relief would come from *England*, but those very hopes were strangely over-ballanced by the Fears, lest they should come too late: And these delays had like to have proved Fatal, for many of the Soldiers who came out of *England*, seeing the weak and low condition of the City, and the great Strength and Numbers of the Rebels, began not only to shrink from the Service which appeared so desperate, but mutinuously to perswade their fellows to return for *England*; which occasioned the Publishing of this Proclamation.

By the Lords Justices, and Council.

William Parsons,

John Borlase.

**W**E do hereby in His Majesties Name, Charge and Command all His Majesties Soldiers of this Army, that upon pain of Death none of them presume to depart hence for *England*, without expresse License in that behalf from the Lieutenant General of the Army. And we Command all Owners and Masters of Ships, Barques, and other Vessels, that upon pain of Death none of them do permit or suffer any of the said Soldiers to go aboard them, or to be carried from hence into *England*. And we require the Searcher, and all other Officers and Waiters of the

Customes

Sir *Simon Harcourt* with a Regiment arrives at *Dublin* Decemb. 31.

A Proclamation forbidding Soldiers to return to *England*.



*Customs, that they and every of them, do take special Care to prevent the Shipping or Exporting of any of the said Soldiers as aforesaid; whereof they may not fail.*

January,  
1641.

Given at His Majesties Castle of *Dublin* the 18th of Jan. 1641.

Ormond Offory,  
R. Dillon,  
Ad. Loftus,  
J. Temple,

Charles Coote,  
Fra. Willoughby  
Rob. Meredith.

The Board had not been at all wanting to represent the sad Condition of their Affairs to the Lord Lieutenant, and the Two Houses of Parliament in *England*; and the Reader may have observed, that upon all occasions His Majesty had indeavoured to the uttermost of the Power he had left, to forward the Relief and Assistance of *Ireland*. But the *Scots* stood upon high Terms, being rather managed with the desire of the *English* Money, the sweetness of which they had tasted, then with compassionate Zeal and Brotherly Kindness, though they affected that word mightily, to afford Sudden and Seasonable Relief to *Ireland*, which they might with the greatest ease imaginable have done from *Scotland*, that Country lying so near as to be within a few hours Sail from thence. And for the Two Houses of Parliament in *England*, they were so wholly taken up with their own Affairs and Designs against the King, which now began to ripen apace towards an open Rebellion, that they had no leisure to attend the present Relief of *Ireland* to any purpose; insomuch that the Arms and Ammunition taken out of the King's Stores for that Service, could not get a conveyance to the Ports, whither they were Ordered for Transportation, for want of Money, as was often represented to the Two Houses by the Lord *Newport*, Master of the Ordnance, as before hath been made appear from the Journals; and the Men who were raised, and got as far as *Chester*, lay there also Money-bound, as is evident from this following Letter, written from Col. *Monk*, afterwards the memorable Duke of *Albemarle*, to the Lord Lieutenant.

My Lord,

I Have received one Letter from your Lordship, and one from your Secretary; and all your Lordships Commands have been observed; here are Twelve Companies of your Lordships Regiment come to *Chester*, there is only wanting your Lordships own Company, and 40 Men of Captain *Cope's* Company, the which 40 Men he is bringing up himself; and your Lordships Regiment is 1200 marching Men in Rank and File at this present. We shall want nothing for our present Imbarquing but Money, and your Lordships own Company; for our Men are all Armed, and Shipping ready to carry them over; the want of Money with us has been very great, by reason we have been forced to pay our Companies our selves, ever since our Arrival here: We could not prevail with the Townsmen of *Chester* for the furnishing of us with any Moneys, by reason of these Troublesome Times; but on the receipt of your Secretaries Letter to the Commissary, we shall receive the Over-plus of the Monies which was appointed for the Horse, which is 240 l. which will help us a little, but if there is not some Monies now on the Way for us, I doubt the Soldiers will disband suddenly.

A Letter from  
Col. *Monk* to  
the Lord Lieu-  
tenant of *Irre-*  
*land*.



January,  
1641.

*I shall beseech your Lordship to put the Irish Committee in mind of their promise for Coats and Caps, Shoes and Stockins for the Soldiers, it is very needful, and will be very advantageous for the Service if the Soldiers have them, and by promise from us, are expected by the Soldiers.*

*The Officers that are wanting at this present of your Lordships Regiment, besides those that are wanting with their Companies, is Capt. Snel-ling, Lieutenant Palmer, Captain Bois's Lieutenant, and Ensign Smith, Captain Turvil's Ensign. I understand by my Lord Lisle, that one Mr. Morrison is to be your Lordships Ensign, who came this day to Chester. I shall desire, with your Lordships next Commands, I may understand what quantity of Ammunition we shall carry from hence with us into Ire-land; or if we should be stayed here by contrary Wind, what Ammunition you will be pleased to allow us weekly for Exercising: desiring your Lord-ships pardon for being so tedious, I humbly take my leave:*

Chester 21 Jan.

Your Lordships most humble  
Servant to be Commanded,

To his Excellency the Earl  
of Leicester, L. Lieutenant  
of Ireland, these present  
at Leicester-House in St.  
Martin's-Fields.

George Monck.

In this distressed Estate stood the Affairs of these miserable Kingdoms. *Scotland* recovered from those Rebellious Commotions raised by the Presbyterian Faction, by Remedies that proved more Fatal to the King then the Disease. *Ireland* all in a Flame, and *England*, by the prevalency of the same Faction which had raised the disturbances in *Scotland*, ready to follow their Example, and to pursue their Model of Reformation, by the same wicked Courses of Religious Dis-obedience and Rebellion; in which Condition I must at present leave them, till such time as it shall please God to give me ability and opportunity, I may, after some little necessary Refreshment, pursue this Laborious work, in perfecting the Remainder of these Historical Collections.

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F I N I S.

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# A TABLE

Of the principal Matters in this Second Volume.

A.

**A** *Answer of the King to the Commons request about his Servants, 231. Concerning the Irish Acts, 421. About disbanding the Horse, 429. To the reasons for staying his Journey to Scotland, 434. To the Speech of the Recorder of London, 676. To the Petition of both Houses about Guards for the Parliament, 685, 833. To the Petition of the Aldermen, &c. at Hampton-Court, 712. To the Petition accompanying the Remonstrance, 744. To the Petition about Breach of Priviledge, 762. To the Petition concerning the Kensington business, 796. To the Message of the House of Commons for a Guard, 803. To the Petition from Buckinghamshire, 841. To the Petition of the Lord Mayor, &c. 842. To the Message concerning the three Bills, 848. To the Commons demand of stores, 860. To the Message concerning the Bill for Adjournment, 877.*

*Alderman Abel, a Patentee, a Bill Ordered against him, 256. Bailed, 475.*

*Accompt of the Armies, 292, 410.*

*Act of State about the Oath in Ireland, 79.*

*Act of Parliament for reversing the Attainder of the Earl of Strafford, 23.*

*Act of Scotch Parliament part of one making it Treason to Levy Forces without the Kings consent, 682. Act of Common-Council of London against Tumults, 803. See Bill.*

*Adjournment Bill past by both Houses, that it be in the power of the Houses respectively, 834. The Kings Answer to it, 877.*

*Earl of St. Albans his Letter from Ireland concerning Affairs there, 686.*

*Aldermen, Sheriffs, &c. of London attend the King at Hampton Court, 711. Many of them Knighted, 712.*

*America, Petition of some Merchants, that parts of it be seiz'd, 467.*

*Mr. Anderton a Member of the House of Commons receives a Letter about a Plot, 836.*

*Anslow, a Witness against the Earl of Strafford, 60.*

*Answer of the Earl of Strafford to the Articles of Impeachment, 20 to 27. To Pym's Speech against the Preamble of his Answer, 39. Of the House of Commons to the Lords Reasons for the Bishops Voting in Parliament, 260. Of the Judges to certain Queries about Matters in Parliament, 374. Of the Scotch Commissioners to the two Propositions, 406. Their Answer about disbanding the Army, 412. Of the English Commissioners to the Propositions of the Scots Commissioners, 423. Of the Scots Commissioners to the reasons for staying the Kings Journey, 435. Of the House of Lords to the Propositions of the Scots Commissioners about difficulty of Marching their Army home, 538. Of the House of Lords to a Petition of the Lord Mayor concerning the Londoners denying subjection to the Common Council, 460. Of the House of Lords to the House of Commons Propositions concerning Ireland, 525. Of the Judges in Ireland to Queries of the Parliament there, 575. Of the City of London to the Parliaments desire of lending Money, 598, 644. Of the Queen concerning Father Phillips, 605. Of the House of Commons to the House of Lords two Propositions about the Scotch relief of Ireland, 771. Of the several Impeached Bishops, 797. Of the Lords of the Pale to the Lords Justices, 906. Of the same to the Vindication of the severity of Sir Charles Coot, 917.*

*Apology of the Lord Digby, 863.*

*Apprentices of London, their Petition concerning Church Government, &c. 775. An account of a Tumult of them, 805.*

*Nicholas Ardagh, a Witness against the Earl of Strafford, 70.*

*Argiers, a Vote about the Captives there, 254. Act for them past, 861.*

*Argument of Mr. Lane in behalf of the Earl of Strafford, 153. Of Recorder Gardner for the same, 156. Of Mr. St. John for the Bill of Attainder, 162.*

B b b b b 2

Arch-



# THE TABLE.

Arch-Bishop of Armagh his Testimony in the Case of the Earl of Strafford, 83. See Usher.

Arms search'd for at Lambeth, 236. Supplied to the Lords of the English Pale, 632. Sent from the Tower for Ireland, 710. Search for Arms at Mr. Ropers at Eltham, 847. At Sir James Hamilton's Lodgings, *ibid.* At Sir James Hanham's in Somersetshire, 848. At the Lady Rivers and at Oxon, 859.

Army pretended to be in danger of being seduced, 231. Several Lords Examined about it, 258. An Account of it, 272. Army in Ireland, a Report for disbanding it, 233. The State of it in the Earl of Strafford's time, 537. State of the same when the Rebellion first broke out, 627.

Articles of Impeachment against the Earl of Strafford, 8. Of further Impeachment against the same, 11. Against the Judges, 324. Against Sir Robert Berkley, 337. Against Lord Chief Baron Davenport, 347. Against Baron Trevor, 352. Against Baron Weston, 356. Against Justice Crawley, 362. Against Lord Chief Justice Bramstone, 363. Against the Bishop of Ely, 398. Against the Lord Chancellor of Ireland, &c. 570. Against Lord Kimbolton, and the five Members, 811.

Arundel, Debate about the Election of a Burgess there, 870. Earl of Arundel constituted Lord High Steward of England for Trial of the Earl of Strafford, 29.

Captain Ashburnham Committed on suspicion of Treason, 288. Bailed, 377. Gets a Vote for his Pay, 477. Voted guilty of Misprision of Treason, and expell'd the House of Commons, 725.

Mr. Ashton Vicar of Panswick Voted a scandalous Minister, 238.

Assembly of Irish at Swords, Order to Dissolve it, 908.

Attainder of the Earl of Strafford, 103. The Bill read thrice in one day and passed the Commons, 157. Mr. St. John's Argument for it, 162. Passes the Lords, 192. And the King by Commission, 195. Repealed since the King's Restoration, 203.

Attorney General Ordered to justify his Charge against Lord Kimbolton and the five Members, 843. Which he does, 850. House of Commons desire to Examine him, 850. Vote of Both Houses against him for Breach of Priviledge, 870. Examination of him, 873. Votes of the House of Commons against him, 874.

Ax expressly forbidden to be born before the Earl of Strafford at his coming to Tryal, 29.

## B.

Bagshaw of Windsor his Information to the House of Commons, 859. A Conference about it, 862.

Sir William Balfour Lieutenant of the Tower brings the Earl of Strafford to the Bar, 37. A false Loon, 190. His removal angers the Factious, 773.

Ballad against the Bishops and Common-Prayer, 807.

Barnwell, a Witness against the Earl of Strafford, 36, 83.

Sir Thomas Barrington a Witness in the Case of the Earl of Strafford, 83.

Bishop of Bath and Wells inform'd against.

Dr. Beal referred to the Committee for Scandalous Ministers, 773.

Beal a Taylor finds out a Plot, 647. An Ordinance about it, 649. Conference upon it, *ibid.*

Sir Henry Bedingfeild Accused, 661. Sent for, 662. Examined, 690. Acquitted, 691.

Mr. Benson a Member of the House of Commons, Charged with selling Protections, 595. Expelled the House, and declared a Delinquent for so doing, 596.

Sir John Berkley sent for as a Delinquent, 288. Sent to the Tower, 490. Order'd to be Examined, 492. Voted guilty of Misprision of Treason, 725. Order'd to be Bail'd, 755, 780.

Sir Robert Berkley Impeach'd by the House of Commons, 332. Articles against him, 337. Brought to the Bar of the House of Lords, 497. His Petition to the House of Lords, 498. Assigned Council, 499. His Tryal put off, 511.

Earl of Berkshire, a Witness against the Earl of Strafford, 89.

Edmund Bern, a Witness against the Earl of Strafford, 70.

Berwick, An Order for the Mayor to take care of it, 753.

Bill of Attainder, See Attainder, Bill for perpetuating the Parliament passes the Lords, 192. And the King by Commission, 195. Repeal'd since the Kings Restoration, 203. For relief of the Army, 238. For abbreviating of Michaelmas Term, *ibid.* For restraining Ecclesiastical Persons from meddling in secular Affairs, 242. Thrown out of the House of Lords, 271. Bill for Abolishing Episcopacy propos'd, 248. Debated in the House of



# THE TABLE.

of Lords, 255. Private Bills past by Commission, 256. Bill for Root and Branch read twice, 257. For Tonnage and Poudage, *ibid.* 381. For disbanding the Armies, *ibid.* For taking away the High Commission Court and Pluralities, *ibid.* For taking away the Star-Chamber and regulating the Council-Board, 258, 271. For Regulating Clerks of the Market, 259. For disarming Recusants, 260. Against the new Canons, *ibid.* Against Pluralities and Non-Residencies, 293. Against Ship-Money, 294. A Copy of the Root and Branch Bill, 300. Bill against Scandalous Ministers, 309. For taking away the Court of Requests, *ibid.* To prevent Suits for Knighthood, *ibid.* Three Bills brought up to the House of Lords, their Titles, 393. Bill for the Marches of Wales, 394. For Billet-money, *ibid.* For the Northern Counties, 409. Seven Bills brought up to the House of Lords, their Titles, *ibid.* Bill for securing Religion rejected, 411. For imposing the Protestation rejected, 414. Eleven Bills passed the King, their Titles, 431. Six more pass'd by the King, and their Titles, 438. Bill for a Lord General and Lord High Admiral rejected, 719. For Relief of Captives at Argiers, 731. Three Bills past the House of Commons, their Titles, 777. Billet-money undertaken for the Scots by the House of Commons, 444. A Bill for Billet-money, 394. Captain Billingsley Accused for a Conspiracy to seduce the Army, 232. A Proclamation to stop him, 233. Bishops, their advise against passing the Bill against the Earl of Strafford, 192. A Salvo for them, 231. Thirteen of them impeached about the New Canons and Oath, 418, 443. An Order concerning their Answer, 449, 484. Order that they have Council, 495. A Debate in the House of Commons what they are guilty of, 497. Debate whether other Bishops shall Vote in their Case, 500. Abstract of the grand question upon it, 503. Their Council refuse to undertake their Cause, 613. A time appointed for their Answer, 614. Which they put in by Plea and Demurrer, 641. That Voted dilatory and insufficient, 645. Conference about them, 691, 717. Ordered to be heard, 711. A second Charge against them by the House of Commons, 717. Order to Answer it, 718. They adhere to their Demurrer, 731. Twelve Bishops their Petition and Protestation, 794. Votes of the House of Commons against them, 796. Impeached, *ibid.* Taken into Custody, *ibid.* Brought

to the Lords Bar, 797. Their several Answers, *ibid.* Two of them Committed to the Black Rod, the rest to the Tower, 799. Desire Council, which is granted, 812. Order to put in their Answer, 836. They Answer, 882. They Petition to be speedily Tryed or Bailed, 883. Remanded to Prison, *ibid.* Mr. Blaney summon'd for Preaching against the Protestation, 288. Sir Richard Bolton Lord Chancellor of Ireland impeached, 566. Articles against him, 570. Books seized by Order of the High Commission, how disposed of, 690. Mr. Booth Minister of St. Botolph Aldersgate Petition'd against by the Faction, 492. Sir John Borlase made one of the Lords Justices of Ireland, 564. Dr. Borlase his History of the Irish Rebellion censured, 531. Lieutenant Bowles Voted a Delinquent for raising volunteers for Ireland, 874. Lord Chief Justice Bramstone impeached by the House of Commons, 363. Mr. Orlando Bridgman receives a Letter about a Plot, 836. Earl of Bristol a Witness in the Case of the Earl of Strafford, 83. His Report about disbanding the Irish Army, 233. Vote of the House of Commons that he be removed from the King and his Council, 793. Lord Bruce introduced into the House of Lords, 421. Buckinghamshire Petition to the House of Lords about Malignants, &c. 834. To the House of Commons about the same, 839. To the King concerning Hampden, 840. Mr. Burges Ordered to Preach before the House of Commons, 467, 513. Sir John Burroughs a Witness in the Case of the Earl of Strafford, 93. Busby's Case, an Order in it by the House of Lords, 716. Sir John Biron, a Message of the House of Commons for removing him from being Lieutenant of the Tower, 835. Ordered to appear before them, 844. Refuses, 845. Votes of the House of Commons about him, 846. Brought to the Bar of the House of Lords, 849. At the Bar of the House of Commons, 856. A Petition of some Merchants, &c. against him, 881. A Motion of the House of Commons for displacing him dissented to by the House of Lords, 882.



# THE TABLE.

## C.

**C**Alamy Ordered to Preach before the House of Commons on the Fast-day for Ireland, 756. Has the thanks of the House and a piece of Plate, 775.  
 Calcot an Informer against Colonel Lunsford, 846.  
 Cambridge University, their Petition for Episcopacy, 239.  
 New Canons a Bill against them, 260. Votes of the House of Lords against them, 285.  
 Lord Capel Introduced into the House of Lords, 429.  
 Captives at Argiers, a Vote about them, 254. A Bill for them, 711, 731.  
 Capuchin Friars at Denmark House Ordered to keep in, 445, 448. Message of the House of Commons for Dissolving their Convent, 814.  
 William Castigat Witness against the Earl of Strafford, 59.  
 Cavalry, reasons that it be form'd into Regiments, 685.  
 Causes in Parliament determinable in no other Court, 716.  
 Cessation with the Scots prolonged, 236, 310, 373, 406.  
 Prince Charles, the care of the House of Commons concerning him, 512, 596, 857.  
 Cheshire Petition for Common-Prayer, &c. 758, 759.  
 Chillingworth a too forward Member sent to the Tower, 714. Released, 763.  
 Sir Hugh Cholmley, Witness against the Earl of Strafford, 94.  
 Mr. Henry Cholmley, Witness against the Earl of Strafford, 92, 94, 97.  
 William Chorley, sent for out of Goal by Habeas Corpus, 706.  
 Captain Chudleighs Depositions against M. Jermyn, &c. 444.  
 Patrick Clear, a Witness against the Earl of Strafford, 70.  
 Clerks of the Market, a Bill for the regulation of them, 259, 437.  
 Sir John Clotworthy in a Speech reflects on the Earl of Strafford, 5. Made one of the Committee to prepare the Charge against him, 7. a Witness against him, 35, 68.  
 Sir William Coles Letter to the Lords Justices of Ireland, just before the Discovery of the Rebellion, 519.  
 Commission for passing Bills, the manner of it, 195. Commission to Examine Witnesses about Incendiaries, 444. For the Commissioners to go for Scotland, 454.

Commissions in the style of Martial-Law given even to Romish Gentlemen for suppressing the Irish Rebellion, 629. Copy of that to the Lord Gormanstown, 630. Of one to raise men for Ireland, 652. Commission of the King, for several Lords and Commons to Treat with the Scots Commissioners about Succours for Ireland, 716.  
 Commissioners to be sent from the English Parliament into Scotland, 439, 446. Difficulty about it, 447. 1000 l. advanced for their Charges, 452. Transactions between them and the Scotch Parliament, 608. Their instructions, 451, 455, 494, 616.  
 Commissioners from Scotland, their offer of Assistance for Ireland, 732. Proffer to mediate between the King and Parliament, 874. Their Petition and Advice, 876. For which they have the thanks of the House of Commons, 887.  
 Committees for Irish Affairs, 5. To Examine Evidence against the Earl of Strafford, 11. For Scandalous Ministers, 233. Which divides into Sub-Committees, 245. For expediting the Charge against the Arch-Bishop of Canterbury, 265. That for Scandalous Ministers revived, 322. Of the House of Lords during the Recess, 484. Of the House of Commons during the same, 486. For preparing a Petition to the King against Evil Councillors, 510. To consider of the Irish Rebellion, 524. Of the House of Commons of Ireland for the Irish Remonstrance, their Names, 561. Of the House of Commons in England for Irish Affairs, 595, 651. For borrowing Money, *ibid.* About Beal the Taylors Plot, 649. About a Guard for the Parliament, 684. Of both Houses to Treat with the Scots Commissioners about the relief of Ireland, 711. Their Instructions, 720. Committee for Scandalous Pamphlets revived, 723. Concerning Breach of Privilege by the Kings Speech, 739. Of the House of Commons to consider of the obstructions to the London Petition, 763. Of the House of Lords to consider of the late Tumults, 781. Of the House of Commons to draw up the Declaration of the obstructions of Relief for Ireland, 793. Of the same to wait upon the King for a Guard, 801. One to sit at Guild-Hall, 824. For frivolous Informations, 855. For putting the Kingdom into a posture of Defence, 860, 872, 884. Concerning Bagshaw's Information, 862. Concerning the Scotch Propositions for the Relief of Ireland, 869. For Breach of Privilege, 885. Common-



# THE TABLE.

Common-Pleas, the Case of the Officers there against Patentees, 404.

Common-Prayer Book Debated, 475.

Commons House prosecute the Loyal and Learned Clergy, 235. They publish a Declaration without the consent of the House of Lords, 481. At a loss how to name their Charge against the Bishops, 497. Manifest their Democratick Designs, 712. See Orders and Votes.

Communion-Table Voted to be remov'd, 475. Troubles about it, 491. See Rails.

Conference between a Committee of both Houses to prepare for the Tryal of the Earl of Strafford, 10. Another about Tumults, 210, 245. Concerning dangers of Portsmouth and of the French, 233. Concerning the Queen-Mother, 237, 247. About Mr. Percy, 245. The Scots, 255. The Bill against the Bishops Voting, 259. Disbanding the Armies, 288, 411, 419. With the Scots Commissioners concerning the Kings Journey, 320. Of both Houses about the Kings bestowing Honours, 325. The Palatinate, 377. The ten Propositions, 380. The Judges, 420. a Custos Regni, 424. The Treaty, 426. The Kings Journey, 433. A Commission to pass Bills during the Kings Absence, 437. The Scotch Army, 439. A Final Conclusion with the Scots, 442. The Tower, 446. Putting the Kingdom into a posture of Defence, 449. Disarming Recusants, 450, 469. the Navy, 460. The Recess of the Parliament, 463. transporting Soldiers by Foreign Ambassadors, 466, 477, 479. a Letter from the King, 497. excluding Bishops their Votes in the Case of the thirteen impeached, 500. the Princes safety, 512. a Guard for the Parliament, 595. Prince and Queen, 596. the Capuchins, &c. 607. Evil Councillors, 619. Letters from Ireland, 625. the Impeached Bishops, 691, 717. Scotch Assistance for Ireland, 736. Breach of Priviledge by the Kings Speech, 739. reprieving the Priests, 740. Relief for Ireland, 791. Lieutenant of the Tower, 773, 778, 860. the Bishops Petition and Protestation, 795. the safety of the Kingdom, 797. Breach of Priviledge, 813, 816.

Conged' Effires five Petitioned to be stay'd, 499. debated, 511.

Coningsby his Bill past the House of Commons, 777.

Conisby expell'd the House of Commons for a Monopolist, 513.

John Couley a Witness for the Earl of Strafford, 55, 57, 63.

Owen Connelly's Examination about the

Irish Rebellion, 520. a Reward Voted for him, 524, 609. Interrogatories for a further Examination of him, 596.

Conspiracy to seduce the Army, 231. persons Accused upon it, 232. an account of it from the Earl of Manchester's Memoirs, 272. Votes about it, 407, 408. Conspiracy in Scotland, 488. heads for a Conference about it, 491. See Plot.

Contributions for the poor English in Ireland, 660. Certificate from the Lords Justices for it, 737.

Lord Conway a Witness in the Case of the Earl of Strafford, 83.

Mr. Cooper, Votes of the House of Commons in his favour, 454.

Sir Charles Coot burns Clantarrff, 911. vindicated by the Council-Board of Ireland, 917.

Sir John Corbet's Case, 260, 469.

Earl of Cork Witness against the Earl of Strafford, 55, 57, 63.

Dr. Cosens and others at the Bar of the House of Lords, 244.

Lord Cottington surrenders his Lord Lieutenanship of Dorsetshire, 236. and the Court of Wards, 246.

Council allowed to the Earl of Strafford, their names, 10. Order concerning their pleading, 28. that they plead in matter of Law only, 153. Council Ordered to the thirteen Impeached Bishops, 495. who decline the Cause, 613. but being sent for by the House of Lords, are willing, 614. Council Assigned the twelve Impeached Bishops, 813.

Council-Board, a Bill for regulating proceedings there, 258. past 271.

Council of War for Affairs of Ireland, 614.

Evil Councillors a Committee to prepare a Petition against them, 510. Pym's Speech about them, 619.

Court of Requests, a Bill for taking it away, 309.

Courts of Stammeries, a Bill for Regulating them past Both Houses, 416.

Colonel Crafford his odd Adventure, 917.

Justice Crawley Impeach'd by the House of Commons, 357.

Sir Randal Crew, Applications of the House of Commons in his behalf, 365.

Oliver Cromwel Burgefs of the Town of Cambridge, 247. Informs against a Gentleman of Huntingdon for words, 888.

Sir Pierce Crosby a Witness against the Earl of Strafford, ser by for some time, 35. admitted to give Evidence, 47, 56, 58.



# THE TABLE.

Cruelty of the Irish Rebels, 633.  
 Customers offer 100000 l. for an Act of Oblivion, 256. are Ordered to pay 150000 l. *ibid.* Votes about the Petty-Farmers, 258. who Petition the House 265.  
 Custos Regni insisted on by the House of Commons, 425. the Judges Opinion about it, 430.

## D.

**S**ir Thomas Danby a Witness for the Earl of Strafford, 95.  
 Mr. William Davenant accused for a Conspiracy to seduce the Army, 232. a Proclamation to stop him, 233. sent for by a Serjeant, 245. Committed, 246. Bayled, 377.  
 Lord Chief Baron Davenport Impeach'd by the House of Commons, 343. Articles against him, 347.  
 Sir Thomas Dawes, a Writ, Ne exeat regnum against him, 425.  
 Deans and Chapters, defended by Doctor Hacket in the House of Commons, 240. Speeches in Parliament concerning them, 282. 289.  
 Debts of the Kingdom considered by the House of Commons, 257. 724.  
 Declaration of the House of Commons concerning several Church-matters, without the consent of the House of Lords, 481. of the House of Commons; of Ireland, upon the Queeres proposed to the Judges, there 584. of the English Parliament touching the Irish Rebellion, 601. of the House of Commons against Inigo Jones, 728. of the King in answer to the Remonstrance, 746. of the House of Commons, concerning the Tower and Colonel Lunsford, 778. Declaration of the State of the Kingdom projected, 615. debated, 664. appointed to be delivered, and by whom, 689. set down at large, 692. &c. how received by the King, 709. House divided about Printing it, 743. Declaration for a Posture of Defence, 850. rejected by the House of Lords, 857. Declaration concerning Breach of Priviledges, 853.  
 Sir Edward Deering Chairman of a Subcommittee for Scandalous Ministers, 245. delivers the Bill for abolition of Episcopacy, with a Speech, 248. how unfortunate, 249. his Speech about Episcopal Government, 295. concerning the Order for removing the Communion Table, 493. concerning Bowing at the Name of Jesus, 610. about the Declaration of the State of the Kingdom, 664. against passing it, 668. the behaviour of the factious to him, 672.

Defence of the E. S. to the first Article against him, 54. to the second, 55. third, 56. fourth, 58. fifth, 60. sixth, 61. eighth, 63. ninth, 64. tenth, 65. twelfth, 67. thirteenth, 68. fifteenth, 71. sixteenth, 74. nineteenth, 78. twentieth to twenty fourth, 84. to 87. twenty fifth, 89. twenty sixth, 91. twenty seventh, 94. twenty eighth, 99.  
 Delinquents, who are so Voted their Estates to be seized, 511. Delinquents about the Sope Patent, 513.  
 Serjeant Dendy Inform'd against for words, 888.  
 Bishop of Derry Impeach'd, 566. Articles against him, 570.  
 Sir Simon D'ewes his Speech about the Poll-Bill, 322. concerning the Palatinate, 368.  
 Differences between the Lords and Commons about the Votes for the Protestation, 416.  
 Lord Digby, one of the Committee to prepare the Charge against the Earl of Strafford, 7. appointed one of the Managers of the Evidence against him, 28. his Speech at passing the Bill of Attainder, 157. which is Ordered to be Burnt by the Common Hangman, 160, 389. exceptions taken at some Words of his, 271. expelled the House of Commons, 275. made a Baron, and added to all the standing Committees, *ibid.* a Message from the House of Commons about him, 791. Information against him, 845. Summoned to attend the House of Lords, 882. his Apology at large, 863.  
 Lord Dillon a Witness for the Earl of Strafford, 56, 58, 60, 61, 71. made one of the Lords Justices of Ireland, 564. displaced to please the Faction, *ibid.* Committed by the House of Commons, 786.  
 Directions of the House of Commons, for taking the Protestation, 229. of the same to their Committee, during the Recess, 481.  
 Disbanding the Army, Votes, Orders, &c. about it, 233, 286, 454, 456, 457, 458, 461. Disbanded Soldiers to be permitted to go beyond Sea, 495.  
 Dondalk taken by the Irish Rebels, 636.  
 Sir James Douglas sent for as a Delinquent, 753.  
 Mr. Edward Dowdall's Depositions concerning the Treaty between the Lords, &c. of the Pale, and the Irish Rebels, 907.  
 Bishop of Down, a Warrant to him concerning Contemners of Ecclesiastical Jurisdiction, 63.



# THE TABLE,

William Dowson a Witness against the Earl of Strafford, 94.

Thomas Drinkwater ordered to the Pillory for a Contempt, 238. excused, 245.

Drogheda, see Tredagh.

Dublin Fortified, 636. Citizens pretend themselves not able to raise 40 l. *ibid.* cunningly victualled by the Master of the Rolls, 637. Strangers ordered by Proclamation to depart the City and Suburbs, 637.

Dr. Duncomb Witness for the Earl of Strafford, 53.

Dunkirkers laden with Ammunition for Ireland stop, 844, 857.

Durham House assured to the Earl of Pembroke by an Act, 426.

Dutch Ambassador desired to assist in stopping the Dunkirkers, 857.

## E.

**E**dwards a Witness against the Earl of Strafford, 90.

Egor a Witness against the Earl of Strafford, 36.

Election of Members, Cases about it, 599. 870.

Sir John Elliot's Case, 376.

Bishop of Ely his Case with Lady Hatton, 270. see Wren, Dean of Ely, see Fuller.

Embassadors Voted not to entertain Priests Natives of England, 373. French or Spanish Embassadors, see French or Spanish.

Episcopacy, a Bill Proposed for the Abolishing of it, 248. Sir Edward Deering's Speech upon it, 248. Sir Benjamin Rudyard's, 249. the Lord Newark's, 251. Votes of the House of Lords upon it, 255. Report of a Conference about it, 259. Debated in the House of Commons, 275. two Papers concerning it presented to the House of Commons, 301. Votes about it, 380. Order to discourage Petitioners for it, 655.

Epitaphs upon the Earl of Strafford, 204. 205.

Sir Walter Erle one of the Commissioners to prepare the Charge against the Earl of Strafford, 7. appointed one of the Managers of Evidence against him, 28. graver'd in his Management he is assisted by the Lord Digby, 100. sent down to secure Dorsetshire, 233.

Earl of Essex made Lord Lieutenant of Yorkshire, 247. and Lord Chamberlain, 407. Motion of the House of Commons that he have power over all the Train'd Bands South of Trent, 608. lays down that Commission, 684.

Evidence against the Earl of Strafford Summ'd up by him, 104.

Examination of Owen Connelly about the Irish Rebellion, 520. of Mac Mahan concerning the same, 521. of Richard Grave, 522. of Mr. Attorney General about the five Members, 873.

Exceptions taken at some words of the Lord Digby, 27. at a Letter from the Speaker of the House of Lords of Ireland, 417. at a Message from the House of Lords, by one Person only, 474. at the Bishop of Lincoln, 477. at the Kings Speech, 739.

Exclusion of the Bishops from Voting in the case of the thirteen Impeached Bishops, a Conference about it, 500.

Execution of the Earl of Strafford, 201.

Explanation of the Protestation, 241. of the Act of Pacification, 625.

Extract of Letters from the Lords Justices of Ireland, to the Lord Lieutenant, 900, 901, 902.

## F.

**R**obert Farnham's Deposition in behalf of the Lord and Lady Muskerry, 635.

Sir Robert Farrer a Witness for the Earl of Strafford, 60.

Fast mov'd for by the House of Commons for the Irish Rebellion, 737. agreed, 734. for a monthly one, 777.

Faunt's Case, 324.

Mr. Finch, Vicar of Christ-Church London, Votes against him, 233.

Fitz-Garret a Witness against the Earl of Strafford, 57, 68, 74.

Florence the Resident from thence his Complaint, 596. a Committee upon it, 645.

Forrests ascertain'd in their Bounds by Act of Parliament, 431. many Frays happen about it, 499. 625.

Sir Edward Fowles a Witness against the Earl of Strafford, 11. Blunders in his Evidence, 55.

Mr. Franklin, a mistake in his Annals rectified, 247.

Sir Ralph Freeman a Witness against the Earl of Strafford, 91.

French, the House of Commons in great fear of them, 233. 242.

French Ambassador desires the English Disbanded Army for his Masters Service, 395, 436. Tumults about his House, 468. intercedes for the Rioters, 476.

Dr. Fuller Dean of Ely Petitioned against by the Sectaries, 492. sent for as a Delinquent for his Sermons, 609. Bayled, 626.



# THE TABLE.

## G.

**S**ir Henry Garaway a Witness against the Earl of Strafford.

Gatton in Surry, a dispute about Election of Members there, 599.

Lord General scruples letting the Scots march through Berwick, 452.

S. German, a Frenchman committed to the Gate-House, 651. released, 711.

Mr. Glyn appointed a Manager of Evidence against the Earl of Strafford, 28. passionate at some expressions of the Earl of Strafford, 39. his Speech upon summing up the Evidence, 124. one of the Committees to expedite the Charge against the Arch-Bishop Laud, 265. his Speech about breach of Priviledge, 827.

Henry Gogan a Witness against the Earl of Strafford, 90.

Evers Gore a Witness against the Earl of Strafford, 53.

Lord Gorge Governor of Hurst Castle Summoned to appear, 596.

Collonel Goring accused for a Conspiracy to seduce the Army, 232. discovers, a Vote in his Favour, 272.

Lord Gorminston a Witness against the Earl of Strafford, 56. contradicts himself, 57. his Commission for suppressing the Irish Rebellion, 630. is said to have given Intelligence to the Rebels, 905. combines with them, 907. they make him General of the Forces of the Pale, 917.

Patrick Gough a Witness against the Earl of Strafford, 70.

John Gower a Witness against the Earl of Strafford, 53.

Grand Question concerning Bishops Votes in Capital cases, an abstract of it, 503.

Lord Grandison see Newark.

Richard Grave his Examination about the Irish Rebellion, 522.

Dr. Gray sent for as a Delinquent, 772.

St. Gregories Parishioners Complaint against Inigo Jones, 728.

Sir Henry Griffin a Witness in the Case of the Earl of Strafford, 93, 94.

Serjeant Grimstone one of the Committee to prepare the Charge against the Earl of Strafford, 7. appointed to be presented at the Examination of Evidence against him, 11. his Speech concerning Breach of Priviledge, 825.

Guard Ordered about the Parliament House, 487. a Conference about it, 595. Establish'd by the House of Commons, 623. Dissolv'd by the King, 684. Message, &c. about it, 684, 685. Reasons of the House of Commons for their Continuance,

687. refused by them when ordered by the King, 688. Guard not of their own appointment displeases them, 726. examin'd and discharg'd, 727. Votes of the House of Commons about Guards, 729, 732. their Message about it, 789. rejected by the House of Lords, 793. a Committee ordered to wait upon his Majesty concerning it, 801. the King orders one under the Earl of Lindsey, 833. the House of Commons Order another under Major Skippon, 833. both Houses appoint a Guard upon the Tower, 844. an Order drawn up by the House of Commons for Guards and necessary defence, 878.

Gun-Powder, an Act for importing and free making it, 416, 438.

Gunners of the Tower examined by the House of Commons, 856.

Sir Richard Gurney, Lord Mayor of London, Knighted, 676.

## H.

**D**R. Hacket's defence of Deans and Chapters in the House of Commons, 240.

Hampden one of the Committee to prepare the Charge against the Earl of Strafford, 7. appointed a Manager of Evidence against him, 28. one of the Committee to expedite the Charge against Arch-Bishop Laud, 265. Impeached of High Treason, 811. his Speech in vindication of himself, 817. a Petition from Bucks to the King about him, 840.

Marquess Hamilton a Witness in the case of the Earl of Strafford, 86. made a Duke, 683. his complement to the House of Commons, concerning the Arms at Fox-Hall, 870.

James Hanham his House search'd for Arms, 848.

Sir Simon Harcourt arrives at Dublin with a Regiment, 918.

Robert Hawood ordered to the Pillory for Contempt, 238. excused, 245.

Lady Hatton and Bishop of Ely their Case, 270.

Sir Arthur Hazlerig Impeach'd of High Treason, 811.

Bishop of Hereford excused part of his Poll-Money, 709.

Marquess of Hertford introduc'd into the House of Lords, 265. ordered to take charge of the Prince in person, his answer, 595. a Message about it from the House of Commons, 857.

Hertfordshire Petition, 753.

Dr. Heywood Petition'd against by the Sectaries, 492.

Hibbols



# THE TABLE.

Hibbols a Witness against the Earl of Strafford, 62.

Mr. Hide his Speech at the delivery of the Articles against the Lord Chief Baron, &c. 343.

High Commission Court a Bill for taking it away, 257.

Colonel Hill Voted Delinquent for raising Volunteers for Ireland, 874.

Earl of Holland a Witness in the Case of the Earl of Strafford, 84.

Mr. Jervis Holls, who had been expell'd the House for an honest Speech, restor'd, 710.

Dr. Hollis and others, Votes in their favour, 331, 373. his Speech in praise of Sir Randol Crew, 365. concerning the Palatinate, 378. in justification of the Votes for taking the Protestation, 416. he is Impeached of High Treason, 811.

Honours, a Conference about the Kings bestowing them, 325.

Horses, inquiry after Transporters of them, 655.

Sir John Hotham a Witness in the Case of the Earl of Strafford, 92. appointed Governor of Hull by the House of Commons, 833.

Hoy a Witness against the Earl of Strafford, 62.

Hull, Order for the Mayor to take care of it, 753. Order that Sir John Hotham be Governor of it, 833.

Huntingdonshire Petition for Episcopacy, 720.

Hurst Castle going to Decay, Examined, 596.

Mr. Hutton Curate of St. Giles Cripple-Gate Petition'd against, 492. ordered to be taken into custody, 497.

Hypocrisie of the Anti-Episcopal Grandees, 261.

## I.

**K**ing James his Collection out of Bellarmin, 226.

Mr. Henry Jermyn accused for a Conspiracy to seduce the Army, 232. a Proclamation to stop him, 233. Voted chargeable with High Treason, 443. Voted to be Impeach'd, 754.

Impeachment of the Earl of Strafford, 7. of Sir George Radclif, 8. of Sir Robert Berkley, 332. of the Barons of the Exchequer, 343, 352, 356. of Mr. Justice Carwley, 357. of the Lord Chief Justice Bramstone, 363. of the Bishops for the New Canons and Oath, 418, 443. second Impeachment of the same, 717.

Incendiaries a Commission for their Prosecution, 444. who were meant, 447.

Information against the Bishop of Bath and Wells, 413. of Arms in the Marques of Winchester's House, 453. of two Irish men from Chester, 604. of Colonel Hunks against two Irish men for Lifting Soldiers, 612. of dangers in Lancashire, 650. of a Ship of Frenchmen in Milford-Haven, 710. of a Barrel of Gunpowder sent into the Country for a Barrel of Soap, 719. that Members of Parliament were the occasion of the Tumults, 790. against the Lord Digby and Colonel Lunsford, 845. against Serjeant Dendy, 888. of O. Cromwell against a Gentleman of Huntingdonshire, *ibid.* of one Wishert, that Cardinal Richelieu fomented the Irish Rebellion, 897. frivolous Informations a Committee for them, 855.

Sir Thomas and Sir William Ingram Witnesses in the Case of the Earl of Strafford, 83, 94.

Instructions for the Commissioners for Scotland, 451, 455. to the Commissioners for disarming Popish Recusants, 473. additional Instructions for the Commissioners in Scotland, 494, 616. debated by the House of Lords, 623. Instructions for the Commissioners to treat with the Scotch Commissioners about assisting Ireland, 720. approved by the King, 723.

Interrogatories for further Examination of O Connelly, 596.

Inigo Jones, a Declaration of the House of Commons against him, 728. Ordered by the House of Lords to answer, 729. his Answer, 771.

Irish Affairs, a grand Committee about them, 5. Irish Remonstrance, 36, 555, 561. the condition of the Irish Army in the Earl of Strafford's time, 537. the sad State of affairs there at the time of the Rebellion, 627. Irish Nobility and Gentry, some kind to the English, 634, 635.

Irish Rebellion, the News of it communicated to the House of Commons by the Lords of the Council, 513. a Letter about it from the Council in Ireland to the Lord Lieutenant General, 514. Proclamation of the Lords Justices to stop it, 522. Report of a Conference of both Houses about it, 524. an account of some occasions of it, 526. &c. Words of *Εὐαὶ Βασιλεὺς* upon it, 540. Relation of it by the Lord Macguire, 543. the Rebels their Remonstrance, 555. a Manuscript of the Earl of Clarendon's concerning it, 590. Votes and Orders of Parliament relating to it, 600, 601, 603, 651, 642.

Judges their Opinion upon an Exception of the Earl of Strafford, 101. upon the Bill



# THE TABLE.

*Bill of Attainder, 192. Articles against them, 324. not to Travel on the Lords day, 325. their resolution to certain Queries about matters in Parliament, 374. a Conference about their Impeachment, 420. their Opinion concerning a Custos Regni, 430. their Report of the Statutes in Force against Riots, &c. 709. Judges in Ireland their Answer to Queries of the Parliament there, 575.*

*Dr. Juxon dissuades the Kings passing the Bill against the Earl of Strafford, 192.*

## K.

*John Kay a Witness against the Earl of Strafford, 58.*

*Lord Keeper craves some time to retire, 712. his Letters, see Letters.*

*Robert Kennyday a Witness against the Earl of Strafford, 55. 70.*

*Dr. Ker Dean of Ardagh his Deposition, concerning the Calumny thrown upon the King, of giving Commission to the Irish Rebels, 528.*

*Lord Kilmallock a Witness against the Earl of Strafford, 56, 57.*

*Kilvert a Patentee, 256. Bail'd, 475.*

*Lord Kimbolton Impeach'd of High Treason, 811. his Speech thereupon, 815. moves to be Tryed, 835. a Message from the King concerning him and the five Members, 848.*

*The King present incognito at the Tryal of the Earl of Strafford, 29. his Speech to both Houses concerning the Earl of Strafford, 186. his Message to the House of Commons about the Tumults disregarded, 189. in great doubt about passing the Bill against the Earl of Strafford, 192. <sup>ΕΙΣΕΝ ΒΑΣΙΛΕΥΣ</sup> thereupon, 193. he passes it by Commission, 195. his Letter to the House of Lords concerning the Earl of Strafford, 197. his Answer to the Parliament concerning his Servants, 231. passes three Bills, 243. his Speech in answer to the Speaker about the Bill for Tonnage and Poundage, 308. his Speech at Passing the Bills against Star-Chamber and High-Commission, 327. his Manifesto about the Palatinate, 383. his answer to the Proposition about Evil Councillors, 387. assents to the five Propositions, 404. takes leave of his Parliament, 438. sets forward for Scotland, 439. arrives there, 453. his Speech to the Parliament there, *ibid.* his Letter denying to Sign a Commission to the Parliaments Commissioners, 468. his reasons for so doing, 469. his Letter to the Lord Keeper, 497. clear'd of Phanatick Calumnies concerning the Irish Rebellion,*

*528, 638. <sup>ΕΙΣΕΝ ΒΑΣΙΛΕΥΣ</sup> thereupon, 540. acquaints the Parliament with it, 600. his diligence to suppress the Irish Rebellion attested by the Parliaments Commissioners, 612. returns from Scotland, 675. his Reception in London, 675. &c. his Speech in answer to the Recorder, 676. his Letter shewing his firmness to the Established Religion, 683. his Speech to both Houses after his return from Scotland, 708. after what manner he receives the Remonstrance of the House of Commons, 709. promises to keep his Christmas at White-Hall, 712. approves the Instructions of the Commissioners to Treat with the Scotch Commissioners about assistance for Ireland, 723. his Speech to both Houses concerning Ireland, 738. his answer to the Petition, accompanying the Remonstrance, 745. his Declaration in answer to the Remonstrance, 746. his answer to the Petition about Breach of Priviledge, 762. to the Message of the House of Commons about a Guard, 803. demands the five Members by a Serjeant at Arms, 814. comes in Person to the House of Commons for them, 820. his Speech then there, *ibid.* <sup>ΕΙΣΕΝ ΒΑΣΙΛΕΥΣ</sup> upon that matter, 821. a lewd Pamphlet upon the same, 830.*

*Sir Robert King a Witness in the Case of the Earl of Strafford, 83.*

*Knighthood, a Bill to prevent Vexatious Suits about it, 309. past the House of Lords, 424.*

*Kynaston's Case, 258.*

## L.

*Lambeth House Searched for Arms, 236.*

*Mr. Lane appointed Council for the Earl of Strafford, 10. his Argument in his behalf, 153. appointed for Judge Berkley, 499. for the twelve Impeach'd Bishops, 812.*

*Arch-Bishop Laud takes his leave of the Earl of Strafford, 198. a Committee to expedite the Charge against him, 265.*

*Lay-Preachers complain'd of, 265. reprehended, 270.*

*Lecturers the Tools of the Factions, 234. an Order for them, 477.*

*Captain Legg sent for as a Delinquent, 726. Bail'd, 775. 780. design'd for Hull by the King, stop'd by the House of Commons, 856.*

*Earl of Leicester Lord Lieutenant of Ireland enabled by Ordinance of Parliament to Raise Men, 606. scruples it without the Kings Command, 615. 652. Order concerning him, 543. 754.*

Sir



# THE TABLE.

- Sir Thomas Leighton a Witness against the Earl of Strafford, 54.
- Dr. Leighton a Turbulent Preacher Enlarged, 309.
- Lenthal Speaker of the House of Commons his Letter to Sir Edward Nicholas to get quit of the Chair, 713, another, 714. See Speaker.
- General Leshly made Earl of Leven, 683.
- Letters of the King, to the Earl of Strafford, commanding a Proclamation to prohibit the Irish going beyond Seas, 75. to the same about the Oath, 80. to the House of Lords concerning the Earl of Strafford, 197. to the Lord Keeper denying to pass a Commission for the Parliaments Commissioners, 468. to the Lord Keeper, 497. to Mr. Nicholas shewing his resolution to maintain the Establish'd Religion, 683. to both Houses about the Prince, 889.
- Letters by Order of either House of Parliament, to Sir Jacob Ashley, 228. to the Army, 235. to the Lord General, 441. 445. 453. to the same concerning Hull, 448. to the Sheriffs about Pool-Money, 458. to the Lord Generall about Disbanding, 461. to the Lords Justices of Ireland in behalf of Sir George Radcliff, 464. to the Commissioners in Scotland, 494. to the Lords Justices of Ireland, 602.
- Letters of the Lords Justices of Ireland to the Lord Lieutenant General concerning the Irish Rebellion, 514. to the Earl of Ormond to persecute the Rebels, 538. to the Lord Keeper and Lord Lieutenant of the great Danger there, 624. to the Nobility and Gentry informing the Discovery of the Plot, 628. to the Earl of Ormond concerning the same, 629. to the Lord Keeper and Lord Lieutenant concerning the condition of the Place, 661. to the Parliament about the Dunkirkers, 784. to the Privy Council, 889. to the House of Commons, 892, 893. to the Lord Lieutenant, 900, 901, 902, 911. to the Speaker of the House of Commons, 903. to the Lords of the Pale, 906.
- Letter of the Earl of Strafford to the King desiring him to pass the Bill against himself, 190. from Newcastle read in the House of Lords, 337. of Mr. Percy to the Earl of Northumberland, 286. of Father Philips to Mr. Mountague in France, 315. of the Queen of Bohemia of thanks to the Parliament, 411. of the Speaker of the House of Lords of Ireland to the House of Lords of England gives offence, 417. of the Earl of Holland about Disbanding, 457. of the Lord General to the Parliament, 469. of the Lord Howard about a Conspiracy in Scotland, 488. of Sir William Cole to the Lords Justices just before the Discovery of the Rebellion, 519. of the Earl of Strafford concerning the State of the Army in Ireland, 537. of Sir Henry Vane to the Lords Justices of Ireland, 565. of the Lord Howard to the Lord Keeper, 603. 612. those from France and Antwerp stop, 615. of the Earl of St. Albans about Affairs in Ireland, 686. of Sir J. Temple concerning the same, 761. Letters of a Plot against the House of Commons, 836. a conjecture at the Writer, 837. Letters to one Mr. Crofts, ordered to be opened, 847. of Sir Phelim O'Neal, to Sir William Hamilton, 895. of one Roche intercepted, 896. of the Inhabitants of Longford to the Lord Dillon, 898. of Collonel Monk to the Lord Lieutenant of Ireland, 919. Letters from Foreign Parts ordered to be opened, 247. 307, 523.
- Licence for Raising men for the Dutch Service, 723, 724.
- Lie given to a Peer is a Breach of Privilege, 380.
- Lilburn, Votes in his Favour, 211.
- Bishop of Lincoln gives Offence to the House of Commons, 477.
- Litt of the Prime Papists desired by the House of Commons to be secured, 662. debated by the House of Lords, 667. of the principal Irish Rebels, 888.
- Robert and Thomas Little, Witnesses for the Earl of Strafford, 54. 70.
- Locumtenens, see Custos Regni.
- Sir Adam Loftus, a Witness in the Earl of Strafford's Case, 58, 61, 78.
- Bishop of London a Witness in the Case of the Earl of Strafford, 82. released of Tenth upon the Poll-Bill, 780.
- Londoners Petition against the Earl of Strafford, 160. mov'd to lend Money, 236. 407. 411. 595. 597. their Controversie with the Lord Mayor about the Election of a Sheriff, 318, 319. 407. 409. referred, 413. 445. determin'd, pro hac vice, 456. are Mutinous, 459. Petition for a Fast, 463. and against Bishops Votes, &c. 733. and for displacing Collonel Lunsford Lieutenant of the Tower, 773.
- Londonderry in Ireland, Votes about it, 461.
- Justice Long sent to the Tower for placing a Guard about the Parliament House without their knowledge, 732. released, 772.
- William Long a Witness against the Earl of Strafford, 54.

D d d d d

Long-



# THE TABLE.

Longford, the Inhabitants there their Letter to the Lord Dillon, 898.  
 Lords-day Idoliz'd by the House of Commons, 325. 436. 777.  
 Lords House Interpreters of Acts of Parliament in Parliament time, 625. Lords sent for by the King, not permitted to go by the House of Lords, 836.  
 Lorky a Witness against the Earl of Strafford, 74.  
 Roger Lott a Witness against the Earl of Strafford, 59.  
 Sir Gerard Lowther, Articles against him, 570.  
 Sir Thomas Lucas, a Witness in the Case of the Earl of Strafford, 86.

## M.

**L**ord Macguire's Relation of the Irish Rebellion, 543.  
 Mac-Mahon his Examination and Confession about the Irish Rebellion, 521.  
 Managers of the Cause against the Earl of Strafford, 29. deny reasonable time for answer, 40. 54. 81. 100.  
 Earl of Manchester's Manuscript Memoires cited, 206, 209, 272. 427, 689.  
 Manifesto of the King about the Palatinate, 383.  
 Sir Philip Manwaring a Witness for the Earl of Strafford, 78, 81.  
 Marches of Wales, a Bill about them, 394.  
 Mariners, a Bill for raising them, 236, 237. 243.  
 Marshal Ordered to Preach before the House of Commons on the Thanksgiving-day, 467. and on the Fast-day for Ireland, 756. receives the thanks of the House, and a Piece of Plate of 20 l. 775.  
 Maynard appointed a Manager of Evidence against the Earl of Strafford, 29. his Speech against the Earl of Strafford upon the first Article, 48. one of the Commission to expedite the Charge against the Arch Bishop of Canterbury, 265.  
 Lord Mayor of London quells a Tumult about the Spanish Ambassadors House, 187. his (with the Aldermens, &c.) Petition to the King about his going to the House of Commons, 841.  
 Maxwell a Witness against the Earl of Strafford, 78. his rudeness why not taken notice of by the House of Commons, 195. searches for Priests, 651.  
 Bishop of Meath an Account of him, 535.  
 Memoirs of the Earl of Manchester cited, 206, 209, 272, 427. 689.  
 Memorial of the Venetian Ambassador about breaking open his Pacquet, 640.  
 Memorials from the Scotch Commissioners, 440.

**Mr. Audly Mervin's Speech at exhibiting Articles against Sir Richard Bolton, 566.**  
 Message of the King, to the House of Commons concerning the Tumults disregarded, 189. to the House of Lords concerning the same, 210. to the House of Commons concerning the Lord Cottington, 236. to the House of Lords concerning Disbanding the Army, 314, 318. to the House of Commons about the Queen Mother, 329. to the same concerning the Officers of Star-Chamber, 368. and about a Priest of the Venetian Ambassador, 394. to the House of Lords concerning Commissions, 410. to the same about Soldiers for the Spanish Ambassador, 457. to the same concerning Guards, 684. to both Houses about the Scots Commissioners and some Priests interceded for by the French Ambassador, 719, 731. to the House of Lords concerning Volunteers for Ireland, 787, 789. to the Lord Major, &c. of London to suppress Tumults, 804. to the House of Lords concerning Kynbolton and the five Members, 848. to both Houses concerning Breach of Privilege, 858. Message of the Queen to the House of Commons about her Journey, 405.  
 Message of either House, to the King upon occasion of his Letter about the Earl of Strafford, 197. to desire him to stop some Allowances, 368. of the House of Commons to the House of Lords about a Conspiracy to seduce the Army, 231. about restraining Ecclesiastical persons from meddling in secular affairs, 242. about paying the brotherly assistance to the Scots, 315. about the Charge and Trial of the Arch-Bishop of Canterbury, 318. to the Lord Keeper, that the Judges travel not on the Lords day, 325. about three Bills, 331. concerning Disbanding the Army, 424. about making the Earl of Pembroke Lord Steward and the Earl of Salisbury Lord Treasurer, 437. about the Impeach'd Bishops, 439. desiring that a convenient number of Lords stay in Town, 445. concerning the desperate condition of the Kingdom, 447. Message from the House of Lords to the House of Commons by one person only gives offence, 474. Message of the House of Commons to the Queen about the Prince, 597. to the House of Lords about Philips the Priest, *ibid.* to Forraign Ambassadors not to harbour English Priests, 652. to the House of Lords to press expedition for Ireland, 750, 761, 768, 769. concerning a Declaration to suppress



# THE TABLE.

press Tumults, and a Guard, 789. concerning the Lord Digby, 791. to revive the Bill against Bishops Vices, 800. that the Kings, Queens, and Princes Servants take the Oaths of Allegiance and Supremacy, 814. to the Gentlemen of the Inns of Court and to the Common-Council of London, 817. about the Kings coming to the House, 822. their Message about the Tower rejected, 835. concerning the Prince and Marquess of Hertford, 657. concerning the adjournment to Grocers Hall, &c. 879, 880. Message from the Scots Commissioners about the Kings Journey into Scotland, 318. of the Venetian Ambassador to the House of Lords, 655.

Michaelmas Term abbreviated, 238, 243. Militia enquired into by order of the House of Commons, 230.

Mines Royal Order about them, 446.

Scandalous Ministers a Committee about them, 233. Factional Ministers, their Petition to the House of Commons, 764.

Money borrow'd of the Londoners by the House of Commons, 236. desired to be continued, 255. more to be borrowed, 407, 411, 595, 597, 644. an Ordinance for securing Money lent by the City, 621, 687. Money to be conveyed to the Army, an Order for its safety, 415.

Colonel Monk his Letter to the Lord Lieutenant of Ireland, 919.

Earl of Monmouth's Speech concerning fears, &c. 849.

Sir James Montgomery a Witness against the Earl of Strafford, 64, 77.

Lord Morley Ordered to be Tried by his Peers for Murder, 307.

Earl of Morton a Witness in the Case of the Earl of Strafford, 82.

Lord Mountnorris a Witness against the Earl of Strafford, 36, 39, 59, 63.

Lord and Lady Muskerry Irish Papists, kind to the English, 635.

## N.

**N**AMES of the persons who made the several motions towards the Declaration of the State of the Kingdom, 615. of the chief Irish Rebels, 632.

Narrative of a Plot by Beala Taylor, 647. James Nash a Witness against the Earl of Strafford, 874.

Nash and Kynaston's Case, 258.

Navy, the State of it, 460. Debated, 757. Order of the House of Commons about it, 787.

Sir Paul Neal a Witness for the Earl of Strafford, 95.

Lord Netterville's Son ordered to be brought before the House of Lords, 877.

Lord Newark his Speech about the Peerage of Bishops, 251. concerning their meddling in secular Affairs, 252.

Lord Newburgh a Witness in the Case of the Earl of Strafford, 83.

Newcastle, an Order to the Major to take care of it, 753.

Earl of Newport made Constable of the Tower, 230. enabled as Master of the Ordnance to deliver Arms, &c. for Ireland, 606, desired by the House of Commons to reside in the Tower, 780. inform'd against for a design to seize the Queen, &c. 781. discharged of his Constableness of the Tower, 785. Petition of both Houses about him, 786.

Non-Residence, a Bill against it, 293.

Earl of Northumberland a Witness in the Case of the Earl of Strafford, 82, 86.

## O.

**O**ATH of Allegiance and Supremacy by Order of the House of Commons to be tendered to Irish Recusants and others in the Inns of Court, 613. and to the Kings, Queens, and Princes Servants, 814. the Oath for Ireland, an Act of State and Petition about it 79. Oath of Secrecy administered to persons concerned in preparing for the Tryal of the Earl of Strafford, 11.

Officers of the Army Petition for Pay, 660, 757. Ordered a Moiety, 772. those in Ireland commanded to their Charges, 594. and in the examination of the Army Conspiracy, 232.

**O** Neal, a Serjeant Major sent for, 286. Committed, 490. Ordered to be examined, 492, 625, 714. Voted to be impeach'd of High Treason, 754. committed to the Gate-house, 757. Sir Phelim O Neal his Execution, 529. his Letter to Sir William Hamilton, 895.

Opinion of the Judges, upon an exception of the Earl of Strafford, 101. upon the Bill of Attainder, 192. in the Case of Ship-money, 338. in answer to some Queries concerning matters in Parliament, 374. concerning a Custos Regni, 430. Opinion of the House of Lords about a Commission for Commissioners to attend the King in Scotland, 448. 451. Opinion of a City Divine about Episcopacy presented to the House of Commons, 302.

Orders of both Houses, relating to the Trial of the Earl of Strafford, 28. for the payment of the Poll-Money, to expedite disbanding, 458. for declaring the Scotch Rebels



# THE TABLE.

*Rebels to be loyal Subjects*, 467. for securing the Money borrowed of the City, 687. for a Guard upon the Tower, 844.  
*Orders of the House of Lords concerning new Proofs against the Earl of Strafford*, 102. to stop the Ports, 232. to pillory two Persons for a contempt, 238. about Tumults, 246, 388, 468, 476, 603, 692, 856, 484, 495, 691, 718. about Ship-Money in the Sheriffs hands, 264. against formal Speeches, 265. about Writs of Error, 272. for Provision for Sisters by a Brother, 367. for relief of Wife and Children against a Husband refusing to cohabit, 381. concerning a Vicarage between Sir Peter Osborn and Thomas Joice, 382. concerning the Arch-Bishops Poll-Money, 387. for securing Money carried to the Army, 415. for the Lady Wotton, 420. 457. for exemplifying the Acts for P. c fication and Brotherly Assistance, 439. for examining Witnesses about Incendiaries, 444. for referring the Election of Sheriffs of London, 445. 456. about Mines Royal, 446. concerning the impeached Bishops, 449, 484, 495, 691, 718. search under the Parliament House, 450. to quicken the disbanding, 457. concerning a Guard about the Parliament House, 487. concerning the relief of Ireland, 601, 603, 626. to expel Romish Recusants out of Inns of Court, 613. for bringing Ammunition from Hull, 643. about the Lord Lieutenant of Ireland, *ibid.* for apprehending Priests and Jesuites, 647, 648. for putting the Laws in execution against Romish Recusants, 653 for setting aside private Business, 686. concerning Books seized by High Commission, 690. that Philips be released, 691. in Smith and Busby's Case, 716. for reviving the Committee for Scandalous Pamphlets, 723. and for License to raise Men for the Dutch, *ibid.*  
*Orders of the House of Commons that no Members visit the Earl of Strafford*, 8. to inquire into the Militia, &c. 230. in behalf of Pryn, 251. about disbanding the Armies, 286, 454. 456. concerning the Northern Counties, 314. about Members of Committees, 319. for afternoon Sermons in all Parochial Churches, 383. for absent Members, 433. that Mr. Marshall and Dr. Burgess Preach the Thanksgiving Sermon before them, 467. about a full House, 476. for Match and Bullet for the Parliaments Guard, 496. for laying by private business, 510. for opening the Irish Letters, 523. concerning relief for Ireland and Irish Affairs, 601, 603,

613, 622, 626, 824. concerning the Guard for the Parliament, 623. concerning the Second Plot in the Army, 653. to discourage Petitioners for Episcopacy, 655. for clearing the Kings Honour from the scandal of the Irish Rebels, 689. for a Search about a Barrel of Gun-Powder, 719. for Printing the Remonstrance, 437. for care of Berwick, Hull and Newcastle, 753. concerning the Navy, 787. for a double Watch, 794. for a Guard under Major Skippon, 833. for Sir John Hotham to keek Hull, *ibid.* for Guards and necessary defence, 878.  
*Orders of the Lords Justices of Ireland, against the Rebels*, 908, 910. Orders for preventing the spreading of the Plague, 478.  
*Ordinance of both Houses for Commissioners to go for Scotland*, 455. for a Thanksgiving for the Pacification, 463. for disarming Recusants, 470. against Transporting Soldiers into the Service of Forraign Princes, 481. for empow'ring the Lord Lieutenant of Ireland to raise Men, 606. for enabling the Master of the Ordnance to deliver Ammunition, *ibid.* authorizing the Lord High Admiral to provide Shipping, 607. for securing money borrow'd of the City of London, 621. to prohibit the Irish going out of England without Licence, 621. upon Beal's Plot, 646. to raise the Trained Bands, 653.  
*Earl of Ormond speeds to Dublin with his Troop at Summons of the Lords Justices*, 629. is made Lieutenant General of the Army in Ireland, 904. dislodges the Rebels at Finglafs, 618.  
*Earl of Orrery's Answer to P. W.* quoted 526.  
*Sir Edward Osborn a Witness for the Earl of Strafford*, 95. his Warrant for levying Money, 98.  
*Overtures for a Treaty with the Irish Rebels*, 917.  
*Oxford University, their Petition to the Parliament, in behalf of Episcopacy*, 305. Oxfordshire Petition against it, 409.

P.

**P**acification between the English and Scots, 430, 438.  
*Palatinate, a debate upon it*, 328, 368. Vote about it, 373. the King's Manifesto upon it, 383. A. Palmer a Witness against the Earl of Strafford, 90. Captain Palmer accused for a Conspiracy to seduce the Army, 232. Jeffery Palmer a manager of Evidence against the Earl of Strafford, 29.

Sir



# THE TABLE.

*Sir William Parkhurst a Witness against the Earl of Strafford, 91.*

*William Parkins his Speech about Bishop Wren, 330.*

*Parliament meets at Westminster, 5. perpetuated by an Act, 195. their first Ordinance, 455. agree to a Recess, 464. Order a Guard for themselves, 487. Parliament in Ireland their Quarries to the Judges there, 572. their Protestation and Declaration against the Rebellion, 898. Parliament in Scotland their resolutions concerning the Irish Rebellion, 603. Transactions between them and the English Commissioners, 608.*

*Henry Parry a Witness against the Earl of Strafford, 74. the Sentence past on him by the Irish Council, 76.*

*Sir William Parsons made one of the Lords Justices of Ireland, 564.*

*Sir William Pennymann a Witness for the Earl of Strafford, 55, 86, 95. his Warrant to his Serjeant Major to raise Money, 93.*

*Alderman Penington informs against the Minister of Grace-Church, 773.*

*Mr. Henry Percy accused for a Conspiracy to seduce the Army, 232. a Proclamation to stop him, 233. Conference about him, 245. his Letter to the Earl of Northumberland about it, 286. Voted Chargeable with High Treason, 443. Expell'd the House of Commons, 725. Voted to be impeach'd of High Treason, 754.*

*Petition and Act of State about the Oath in Ireland, 79. Petition of the Yorkshire Gentry, 92. of the Londoners against the Earl of Strafford, 160. of the like Rabble against the same, 189. of the Earl of Strafford to the House of Lords in behalf of his Children, 196. of the University of Cambridge, 239. and of the University of Oxford for Episcopacy, 305. from several Ministers of Wales against Episcopacy, 317. of the Ministers and People of Oxfordshire and Berks against the same, 409. of both Houses concerning Commissioners for Scotland, 451. of Sir George Radcliff, 464. of some Merchants for seizing parts of America, 467. of the Sectaries against Dr. Heywood; Mr. Booth, Dr. Fuller and Mr. Hut-  
ton, 492. of Judge Berkley, 498. of the Parliament to the King in Scotland, 644. of Rutland for Episcopacy, 656. of Officers for pay, 660. of the House of Commons to accompany the Remonstrance, 692. of Huntingdonshire for Episcopacy, 720. of Somersetshire for the same, 726. of the factious Londoners against Bishops Votes,*

*&c. 733. encouraged by the House of Commons, 733, 735. of the Parliament concerning breach of Privilege by the King's Speech, 751. of Hertfordshire, 753. of Cheshire for the Establish'd Religion, 758, 759. of the remonstrating Ministers to the House of Commons, 764. of the Irish Lords and Gentlemen, 769. of the London Prentices about Church-Government, &c. 775. of several Merchants concerning Ireland, 776. of both Houses about the Kensington Business, 786. of the Bishops with their Protestation, 794. of the men of Bucks against Malignants, &c. 834, 839. of the trained Bands of Westminster about dangers, 839. of the Men of Bucks to the King concerning Hampden, 840. of the Lord Mayor, &c. about the King's going to the House of Commons, 841. of several Merchants and others against Sir John Byron, 881. of the Bishops either to be tried or bailed, 883. Petition and Advice of the Scots Commissioners to the King, 876.*

*Petitioners for Episcopacy discouraged, 655. Sir John Pettus Knighted, 680.*

*Father Philips the Queens Confessor, 310. appears 315. sent to the Tower, 594. a Message about him from the House of Commons to the House of Lords, 597. an Information against him, 599. the Queens Letter concerning him, 605. petitions to be released, 661. order of the House of Lords about him, 691. and of the House of Commons about his Trunk, 692. bailed, 711.*

*Bishop Pierce, see Bishop of Bath.*

*Lord Pierpoint ordered to the Black Rod for Words, 740. petitions to the House of Lords and is released, 742.*

*Sir William Pierpoint his Speech at the Impeachment of Sir Robert Berkeley, 332.*

*William Pierson a Witness against the Earl of Strafford, 94.*

*Place for Trial of the Earl of Strafford agreed by both Houses, 28.*

*Plague in London, 463. Orders to prevent its spreading, 478.*

*Plate, a Motion that it be brought in and coin'd, 259.*

*Plymouth-Bill past, 410.*

*Plot against Mr. Pym by way of Plaister, 496. of one Beal a Taylor, 646. Plot in Army, 653. against the House of Commons, 836. against some Lords, 843.*

*Pluralities, a Bill against them, 257, a Proviso for Chaplains, &c. 496.*

*Poll-Bill, the Rates, 293. a Record concerning it, 324. past the House of Lords, 325.*

*E e e e e and*



# THE TABLE.

and the King, 327.  
 Poll-Money, an Order concerning it, 458.  
 Captain Pollard committed on suspicion of  
 Treason, 288. bailed, 324, voted to have  
 his Pay, 477. voted guilty of Misprision  
 of Treason and expell'd the House of Com-  
 mons, 725.  
 Earl of Portland's Defence against the Com-  
 mons, who would remove him from his Go-  
 vernment of the Isle of Wight, 655.  
 Ports ordered to be stoppt, 232.  
 Portsmouth Garrison, Money ordered for it,  
 449. Order of the House of Commons  
 for its security, 845.  
 Marmaduke Potter, a Witness against the  
 Earl of Strafford, 54.  
 Sir Herbert Price sent to the Tower for  
 bringing in Candles, without Order, 272.  
 discharged, 288.  
 Priest of the Venetian Ambassador Imprison-  
 ed, 394. Priests and Jesuites ordered  
 to be Apprehended, 647. Priests Con-  
 demn'd interceded for by the French  
 Ambassador, 719, 731. Vote of the House  
 of Commons that they be Executed, 732,  
 740.  
 Prince, see Charles.  
 Printer Imprison'd for an Elegy on the Earl  
 of Strafford, 246. bailed, 324. Print-  
 ing of the Orders of the House of Com-  
 mons when first, 390.  
 Priviledge broken by giving the Lye to a  
 Peer, 380. by the Kings Speech, 739. and  
 by his coming to the House of Commons to  
 demand the 5 Members, 822.  
 Proclamation of the Earl of Strafford con-  
 cerning the Importation and Sale of To-  
 bacco, 66. Proclamation to bring in Mr.  
 Percy, &c. 233. for disbanding the  
 Horse, 429. for establishing Religion,  
 730. for absent Members to attend, 736.  
 against Tumults, 786. for suppressing the  
 Irish Rebellion, 809. Proclamation of  
 the Lords Justices of Ireland for stopping  
 the Rebellion, 522. for satisfaction of the  
 Lords and Gentlemen of the English Par-  
 liament, 631. for strangers to depart  
 Dublin, 637, 638. against the Calumny  
 of the Rebels acting by the Kings Commis-  
 sion. 638. forbidding Soldiers to return to  
 England, 918.  
 Proposition concerning Ecclesiastical Af-  
 fairs presented to the House of Commons,  
 301. ten Propositions of the House of  
 Commons to be presented to the King upon  
 his going for Scotland, 310. debated, 317,  
 373. five new heads added, 394. Pro-  
 positions of the Scots Commissioners, and  
 the Answer of the English Commissioners  
 for concluding the Peace, 421. of the  
 House of Commons to the Scots Commis-

sioners for the Kings stay Fourteen days,  
 433. of the French Ambassador for Sol-  
 diers, 435. of the Scots Commissioners  
 upon the difficulties of marching their Ar-  
 my home, 438. of the House of Commons  
 to the House of Lords about the Irish Re-  
 bellion, 524. several invidious Propositi-  
 ons of the House of Commons at a Confe-  
 rence, 737. Propositions of the Scots Com-  
 missioners about assistance for Ireland, 742,  
 762, 778, 782, 799. of the House of  
 Commons about the Irish Parliament, 768.  
 of the House of Lords to the House of  
 Commons about the Scotch assistance for  
 Ireland, 768. briskly answer'd by the  
 House of Commons, 771.  
 Protections complained of by the Londoners,  
 509, 646. Votes of the Committee upon  
 it, 510. Case of Mr. Benson about it,  
 595. Votes about it, 596.  
 Protestation of Secresie required by the  
 House of Commons of their Members, 11.  
 a Protestation ordered to be printed and  
 sent into all Counties, 229. Directions for  
 taking it, *ibid.* taken by some Recusant  
 Lords, 237. Jesuitically explain'd by the  
 Presbyterian Commons, 241. A Bill for  
 imposing it rejected by the House of Lords,  
 414. imposed on the Tower Guards, 466.  
 Protestation of six Lords against pub-  
 lishing the Order about Tumults, 483. of  
 both Houses concerning the breach of Pri-  
 vilege by the Kings Speech, 750. of divers  
 Lords against putting off the Debate of  
 the Tower, 779. of the Bishops, 794. of  
 the Lords dissenting to the Vote about the  
 Lieutenant of the Tower, 882. of the  
 Irish Parliament against the Rebellion,  
 898.  
 Pryn, ordered to be restored to Lincolns-  
 Inn, 251.  
 Public Faith, a Bill for it, 437.  
 Pury, an Alderman of Gloucester, his Speech  
 against Deans and Chapters, 289.  
 Sir Robert Pye a Witness against the Earl  
 of Strafford, 39.  
 Pym moves for a Grand Committee about  
 Irish Affairs, 5. one of the Committee to  
 prepare a charge against the Earl of Straf-  
 ford, 7. impeaches him in the House of  
 Lords, *ibid.* delivers the Articles against  
 him, 8. his Speech upon that occasion, 9.  
 carries up Articles of further Impeach-  
 ment, 11. appointed a manager of Evidence  
 against him, 29. his Speech at the Trial  
 30. his Reply to the Earl of Strafford's  
 defence, 47. his Speech at summing up the  
 Evidence, 145. his Speeches ordered to be  
 Printed, 237. Order to stop a Suit a-  
 gainst him, 393. his Report of what had  
 been done during the Recess, 488. a Plot  
 against



# THE TABLE.

against him, 456. his Speech at the Conference for excluding the Bishops from voting in the case of the thirteen Impeach'd, 500. his Speech concerning evil Counsellors, 619. Impeached of High-Treason, 811.

## Q

**Q**uærie's put to the Judges about matters in Parliament, 374. Queries proposed by the Irish Parliament to the Judges there, 572, 575, 584.

Queen present at the Trial of the Earl of Strafford, 29. a Conference about her Journey to the Spaw, 390. Reasons against it, 391. a Message to her about it, 392. her answer, 393. her Message to the House of Commons about it, 405. answer to their thanks, 406. her answer about the Capuchins, 448. complemented by the Commissioners of both Houses for Scotland, 452. her Answer, 456. Message to her about the Prince, 597. her Answer, ibid. her Answer concerning Fa. Philips, 605. Information of a design to seize her, &c. 781.

Queen Mother, a Conference of both Houses about her, 237, 247. Tumults about her, ibid. a Message concerning her, 329.

Mr. Quelch Minister of St. Bennet Grace-Church inform'd against by Alderman Pennington, 776. bailed, 884.

Grand Question concerning Bishops Votes in Capital causes, an Abstract of it, 503.

## R

**R**abble Tumult about the Spanish Embassadors house, 187. stop the Lord High Steward 188. post up the conscientious Members under the name of Straffordians, ibid. They Petition against him, 189.

Raby, the Title of Baron of it conferred on Sir Tho. Wentworth, 3.

Sir George Radcliff impeach'd by the House of Commons, 8. has liberty to take the Air, 412. his Petition to the House of Lords, 464. Articles against him by the House of Commons, of Ireland, 570.

Rails about the Communion Table pull'd down by the Sectaries, 271, 322, 389. trouble about them, 491.

Railton, a Witness for the Earl of Strafford, 54.

Lord Ranulagh a Witness in the Case of the Earl of Strafford, 36, 57, 59, 83. 70, 71.

Rebellion, see Irish.

Reasons of the Lords for Bishops voting in

Parliament, 259. answered by the House of Commons, 260. Reasons against the Queens Journey to the Spaw, 391. against the King's Journey to Scotland, 430. of the House of Commons for sitting on the Lord's Day, 436. of the King for not signing the Commission sent into Scotland, 469. of the House of Commons, for securing Popish Recusants, 654. of the same for removing the Earl of Portland from the Government of the Isle of Wight, 655. for forming the Cavaliers into Regiments, 685. for continuing the Guards, 687. against the Bishops Demurrer, 715.

Rebels in Ireland; the Names of the principal, 888. defeat the English Relief for Tredagh, 904. are repel'd by Sir Arthur Syringham, 905. and dislodged at Finglafs by the Earl of Ormond, 918.

Recess of the Parliament debated, 463. agreed, 464. Committee of Lords for that time, 484. of the Commons, 486. Report of what was done during the time, 488.

Record relating to the Poll-Bill, 324.

Recorder of London his Speech to the King at his return from Scotland, 875. Knighted, 676.

Recusant Lords some take the Protestation, 237.

Recusants voted to be disarmed, 450, 457, 469. an Ordinance for it, 470. and Instructions to Commissioners for it, 473. Lords and Commons agree to put the Laws in execution against them, 615. an Order for it, 653. a List of the prime Recusants desired by the House of Commons to be secured, 662. debated by the House of Lords, 667.

Regiment of Horse and Foot, the Charge of each, 642.

Remonstrance from Ireland, 36, 56. of the Irish Rebels, 555. of the State of the Kingdom by the House of Commons, see Declaration.

Requests, see Court.

Reward voted to Connolly for discovering the Irish Rebellion, 524. 609.

Sir Edward Rhodes, a Witness for the Earl of Strafford, 95.

Cardinal Richelieu charg'd with fomenting the Irish Rebellion, 897.

Duke of Richmond introduced into the House of Lords, 436.

Lord Roche a Witness against the Earl of Strafford, 74. one Roche his Letter intercepted, 896.

Root and Branch Bill, 248, 257.

Rosetti the Popes Nuntio departs the Realm, 328.

Sir Benjamin Rudyard his Speech about Episcopacy, 249, 298. about the Palatinate, 328,



# THE TABLE.

328, 379. *against suffering either the French or Spanish to have the Disbanded Souldiers*, 465.  
*Rutland Petition for Episcopacy*, 656.

## S.

**L**ord Saint John of Bletso introduced into the House of Lords, 244.

Saint John one of the Commissioners to prepare the Charge against the Earl of Strafford, 7. appointed a Manager of Evidence against him, 29. his Argument for passing the Bill of Attainder against the Earl of Strafford, 162. one of the Committee to Expedite the Charge against the Arch-Bishop of Canterbury, 265. his Speech at the Conference for Excluding the Bishops Votes in the Case of the thirteen Impeach'd, 501.

Earl of Salisbury made Lord Lieutenant of Dorsetshire, 236. has leave to follow some business in the House of Commons, 761.

Robert Salmon a Schoolmaster, a Witness against the Earl of Strafford, 78.

Salvo entred by the Bishops, 231. by the Lords, 325. for the Judges of the Court of York, 388.

Sandeland a Clergy-man releas'd, 244.

Mr. Savil a Witness against the Earl of Strafford, 69.

Lord Say made Mr. of the Court of Wards, 246. his Speech against Bishops Votes, 266.

Scotch Invasion how Chargeable to England, 426. that they were Invited hither, 427. Scotch Rebels by Order of both Houses declared faithful Subjects, 467. their Commissioners complain of delays in the Treaty for Ireland, 761.

Seamen, a Bill for Pressing them read, 236, 237. 777, 797. past, 861.

Search for Arms at Lambeth, 236. about the Parliament House, 846. for Arms at several Places, 847, 848, 859.

Secresie required of Persons concern'd in Examinations against the Earl of Strafford, 11. and in the Examinations about the Conspiracy in the Army, 232. strange Secresie of the Irish Conspirators, 632.

Mr. Seldon appointed to assist at the Examination of Witnesses against the Earl of Strafford, 11. opposes the Bill of Attainder against him, 152. one of the Committee to Expedite the Charge against the Arch-Bishop of Canterbury, 265.

Sermons ordered to be in the Afternoon in Cathedrals, 288. and in all Parochial Churches, 383.

William Shales accuser of Mr. Henry Beddingfield, 662.

Sheldons Seized upon account of Beal's Plot, 648. acquitted, 686.

Shepherd, a Rioter releas'd, 328.

Ship-money in Sheriffs hands ordered to be return'd, 264. a Bill against it, 294. 412. Opinion of the Judges in the Case, 338.

Sheriff of London, a Controversie about the Election of one, 318, 319. 407. 409. referred, 413. 445. determin'd pro hac vice, 456. Petition of the Lord Mayor upon it, 459.

Sisters reliev'd by order of the House of Lords against a Brother, 367.

Shippon ordered to command the Guard of the House of Commons, 833. has the thanks of the House, 838. ordered to send Scouts by Land and Water, 859.

Slingsby, a Witness for the Earl of Strafford, 54. 56. 86.

Small, a Minister, a Vote in favour of him, 446.

Smart that Articled against Bishop Cosins rewarded, 406.

Sir Robert Smith, a Witness against the Earl of Strafford, 74.

Mr. Smith a Minister Committed to the Gate-House for words against the Parliament, 244. one Smith's Case, 716.

Smith a Suspended Minister, a Vote in his Favour, 319.

Soap business, Votes about it, 512. Delinquents concerning it sent for by a Serjeant at Arms, 513.

Souldiers Mutinous for want of Pay, 269. Transportation of Soulaieurs, a Conference about it, 477, 479. an Ordinance against it, 481. a Vote that Disbanded Souldiers may go beyond Sea, 495. a Bill for Pressing, 740.

Somersetshire Petition for Episcopacy, 726.

Earl of Southampton question'd for Words, 846.

Spanish Ambassador's House beset by the Rout, 187.

Speaker of the House of Commons his Letter to Sir Jacob Ashley, 228. his Letter to the Army, 235. Speaker of the House of Lords, their Vote about the choice of him, 438.

Speech of the King to both Houses concerning the Earl of Strafford, 186. in answer to the Speaker upon passing the Bill for Tonnage and Poundage, 380. at passing the Bill against Star-Chamber and High-Commission Courts, 327. to the Scotch Parliament, 453. in answer to the Recorder of London at his return from Scotland, 676. to both Houses upon the same, 780. to the same concerning Ireland,



# THE TABLE.

land, 738. to the House of Commons at his demanding the five Members, 820. Speech of Mr. Pym after reading the Articles against the Earl of Strafford, 9. of the same at his Tryal, 30. of the Earl of Strafford in defence of his Preamble, 40 to 47. of Pym in Answer to it, 47. of Maynard upon the first Article against the Earl of Strafford, 48. of the Earl of Strafford upon Summing up the Evidence against him, 104 to 123. of Glyn upon the same, 124 to 145. of Pym upon the same, 145 to 152. of the Lord Digby upon passing the Bill of Attainder, 157. of the Earl of Strafford upon the Scaffold, 199. of William Thomas against the Bishops, 211 to 226. of Sir Edward Deering, upon the Bill for Abolition of Episcopacy, 248. about Episcopal Government, 295. concerning the Communion-Table, 493. concerning bowing at the Name Jesus, 610. about the Declaration of the State of the Kingdom, 664, 668. of Sir Benjamin Rudyard upon the Bill for Abolition of Episcopacy, 249. about Bishops, Deans and Chapters, 298. about the Palatinate, 379. against parting with the Disbanded Soldiers, 465. two Speeches of the Lord Newark concerning Bishops, 251. of the Lord Say against Bishops Votes, 266. of Sir Henry Vane against Episcopal Government, 276. of William Thomas against Deans and Chapters, 282. of Mr. Pury against the same, 289. of the Speaker of the House of Commons to the King at passing the Bill for Tonnage and Poundage, 307, 706. and of the Bill for Poll-money, 326. of Sir Simon D'ewes about the Poll-Bill, 322. of Sir William Parkins against Bishop Wren, 330. of Sir William Pierrepont at the Impeachment of Sir Robert Berkley, 332. of Mr. Hide at delivering the Articles against the Lord Chief Baron, &c. 343. of Mr. Waller at the Impeachment of Mr. Justice Crawley, 349. of Mr. Hollis in behalf of Sir Randal Crew, 365. about the Palatinate, 378. in justification of the Votes for taking the Protestation, 416. of Sir Simon D'ewes about the Palatinate, 368. of Sir Thomas Widdrington at delivering the Articles against the Bishop of Ely, 395. of Pym at a Conference about Excluding the Bishops Votes in the case of the thirteen impeached, 500. of Mr. St. John about the same, 501. of Audley Mervin at exhibiting Articles of Treason against Sir Richard Bolton, 556. of Pym, against Evil-Councillors, 619. of the Recorder of London to the

King, upon his return from Scotland, 675. of the Lord Kimbolton at his Impeachment, 815. of Hamden at his, 817. of Mr. Grimstone concerning breach of Priviledge, 825. of Glyn about the same, 827. of the Earl of Monmouth about fears, 849. of Sir Philip Stapleton concerning the Lord Digby and Colonel Lunsford, 870. of Mr. White against the Bishops, 885. formal Speeches declared unparliamentary by the House of Lords, 265. Stanneries, see Court. Sir Philip Stapleton, a Witness in the case of the Earl of Strafford, 92. Statute of 11. H. 7. cited, 97. Star-Chamber, a Bill for taking it away, 258, 324. past, 271, 327. a Message about the Officers of it, 368. a Report about them, 389. Earl of Strafford a short account of his rise, 2, 3, 4. inveigh'd against in Parliament, by Sir John Clotworthy, 5. advised to withdraw, 6. Impeach'd by the Commons, 7. taken into Custody, 8. sent to the Tower, 10. his Answer to the Impeachment, 20, to 27, brought to his Tryal, 29. his several Defences, see Defence; taken with a fit of the Stone, 100. Bill of Attainder against him, 103. past by the King, 195. he Petitions for his Children, 196. his carriage at his Death, 198. his Speech upon the Scaffold, 199. Epitaphs upon him, 204, 205. his Wife and Children interceded for by the House of Lords, 237. his Death of what miserable consequence to Ireland, 537. Lord Strange his Letter of dangers in Lancashire, 650. Strangers by Proclamation commanded to depart Dublin and the Suburbs, 637. Sir John Strangeways his motion against Tumults slighted, 259. Sir Robert Strickland a Witness in the case of the Earl of Strafford, 93. Strode one of the Committee to prepare a Charge against the Earl of Strafford, 7. impeach'd of High-Treason, 811. Subsidies six, the Bill for them past, 243. Subsidies granted by the Clergy, 391. Summary of Evidence against the Earl of Strafford, 104. Superinduction to a Rectory, a Case upon it, 511.

T.

Colonel Taaf committed by the House of Commons, 785. Mr. Taylor an honest Burgess of Windsor  
F f f f f f expell'd



# THE TABLE.

expell'd the House, and committed to the Tower, 257. discharged, 286.  
*Sir John Temple his Letter from Ireland*, 371.  
*Term abbreviated* 238.  
*Thanks ordered to the Queen by the House of Commons*, 405. to the Earl of Bristol by the House of Lords, 430. to the Lord General by the same, 496. to Calamy and Marshal by the House of Commons, 775. by the same to the Train'd Bands, Sheriffs and Major Skippon, 838. to the Inhabitants of Bucks, 884. to the Scots Commissioners, 887.  
*William Thomas his long Speech against the Bishops*, 211, to 226. another Speech against Deans and Chapters, 282.  
*Thorp a Witness against the Earl of Strafford*, 53.  
*Tobacco, two Proclamations of the Earl of Strafford about the Sale of it*, 66.  
*Toleration of the Popish Religion in Ireland, Votes and Debates about it*, 737, 754.  
*Tonnage and Poundage, a Bill for it*, 257. 294, 308, 381, 383, 447, 687, 708.  
*Tower of London, a Conference about the Lieutenant there*, 773, 778. Order of the House of Commons about it, 775. their Declaration upon it, 778.  
*The Constable desired by the House of Commons to reside there*, 780. a Message to the House of Lords about it, 835, 844.  
*Trained Bands raised to guard the Parliament*, 492. those of Westminster their Petition to the House of Commons, 839.  
*Earl of Traquair, a Witness in the case of the Earl of Strafford*, 82.  
*Treaty between the Lords, &c. of the Pale and the Ulster Rebels*, 907. with the Irish Rebels proposed, 917.  
*Tredagh opportunely garrison'd*, 636. Relief for it unfortunately defeated, 905.  
*Mr. Baron Trevor impeach'd by the House of Commons*, 343. Articles against him, 352. Mr. Trevor ordered to be of Council for the Bishops, 648.  
*Tryal of the Earl of Strafford the manner agreed by both Houses*, 36.  
*Tumult about the Spanish Ambassadors House*, 187. another on a ridiculous occasion, 192. a Conference about them, 245. Order of the Lords about them, 246. Tumults about the Queen Mother, 247. disturb people at the Communion, 271. Order about them, 275, 291, 393, 395. Tumults about the French Ambassador, 468. Order about them, 476, 603, 692, 856. Judges report the Statutes in force against them, 709. But they are favour'd

by the House of Commons, 709. disavow'd by the Common-Council of London, 712. 803. more Tumults, 781, 788, 789, 792. a Committee of the Lords to consider upon them, 781. still favour'd by the Factionous Commons, 784, 790, 792, 838. a Proclamation against them, 786. Message from the House of Commons about them, 789. Tumultuary Petitioning encouraged, by the House of Commons, 735.

*Sir Arthur Tyrningham a Witness for the Earl of Strafford, repels the Irish Rebels at Lisnegarves*, 906.

## V.

*Sir Henry Vane Enemy to the Earl of Strafford, and why*, 3. a Witness against him, 82, 83, 84. his Speech against Episcopal Government, 276. his Letter to the Lords Justices of Ireland, 565.

*Sir Henry Vane junior produces a Paper pernicious to the Earl of Strafford*, 103. an Account of it, 208.

*Captain Ven a godly Complainant*, 496.

*Venetian Ambassador, a Priest of his Retinue imprison'd*, 394. he complains of the breaking open his Pacquet, 640. Answer of the House of Lords, 1641. his reception of it, 643. a Message from him, 655.

*Vintners Case against Alderman Abel and Kilvert*, 256.

*Voluntiers come in for Ireland*, 772. Message from the King about them, 787, 789, 793.

*Votes of both Houses concerning the Irish Affairs*, 600, 642, 643, 729, 755, 762, 772, 778, 791. concerning Breach of Priviledge, 741.

*Votes of the House of Lords upon debating the Bill concerning the Bishops*, 255. against the New Canons, &c. 285. concerning the Council at York, 388. about the Impeachment of the Bishops, 448. concerning the Commons Declaration, 483.

*Votes of the House of Commons after the hearing of the Earl of Strafford*, 152. upon the Bill of Attainder, 157. in favour of Lilburn, 211. against Mr. Finch Vicar of Christ-Church, London, 233. Mr. Ashton Vicar of Painswick, 238. Dr. Uty Rector of Chigwel, 246. the Scots desire of Uniformity in Religion between the two Kingdoms, 246. Walker a Factionous Preacher, 250. Captives at Algiers, 254. in favour of the Scots, 255. about the Customers, 258. Collonel Goring, 272. the Council-Board, 324. one Faunt, 324. Bishop Wren, 330. Pri-

viledge



# THE TABLE.

viledge in the Case of Hollis, 331, 373. the Palatinate, 373. Ambassadors entertaining Priests Natives of England, 373. Bill for abolishing Episcopacy, 380. Papists, *ibid.* the Manifesto, 386. Lord Digby's Speech, 389. the Conspiracy to seduce the Army, 407, 408. a Vice-Roy in the Kings absence, 412. taking the Protestation and Impeaching the Bishops, 415. Commissioners to be sent into Scotland, 439. one Small a Minister, 446. one Cooper, 454. London-Derry, 461. disbanded Souldiers, 466, 495. Communion-Table, 475. their Declaration, 483. the Soap business, 512. selling Protections, 596. Collonel Lunsford, 780. Earl of Bristol, 793. the Bishops their Petition and Protestation, 796. Sealing of some Trunks, &c. 813. a Committee at Guild-Hall, 823. the Lieutenant of the Tower, 846. the Attorney General, 874. Vox Populi, a Libel against Bishops and Common-Prayer, 807. Arch Bishop Usher present with the Earl of Strafford at his Death, 198. an Abstract of his opinion of the Apostolical Institution of Episcopacy, 279. ordered to Preach before the House of Lords on the Fast day for Ireland, 754. Dr. Uty Voted a Scandalous Minister, 246.

## W.

**W**ade a Witness against the Earl of Strafford, 74. Waferer a Clergy-man in Custody, released, 244. Waldron a Witness against the Earl of Strafford, 58. Walter a Faction's Preacher restor'd by the House of Commons, 250. Walker a Phamphleteer against Bishops sent for, 763. Wall a Door-keeper committed to the Fleet, 650. released, 655. restored to his place, 660. Mr. Waller's Speech at the Impeachment of Justice Crawley, 349. Elias Walley sent for as a Delinquent, 245. P. Walsh his Narrative of some matters moving the Irish to Rebel, 557. Sir Edward Warder a Witness in the Case of the Earl of Strafford, 39. accused for a Conspiracy to seduce the Army, 232. Warrant from the King to the Earl of Strafford to make use of 40000 l. of the Treasure, 42. of the Earl of Strafford to the Bishop of Down concerning Contemners of Ecclesiastical Jurisdiction, 63. of Sir

William Peniman to his Serjeant Major to raise Money, 93. of Sir Edward Osborn to Levy Money, 98. of the King to Sir John Byron, Lieutenant of the Tower, 845. Watch ordered by the House of Commons to be doubled, 794. Welch Petition, 317. Sir Anth. Welden, a Conjecture concerning him, 838. Welch a Witness against the Earl of Strafford, 70. Christopher Wendeford Esquire made Lord Deputy of Ireland, 560. dies, 564. Wentworth see Strafford. Sir George Wentworth a Witness for the Earl of Strafford, 57. present upon the Scaffold at the Execution of the Earl of Strafford, 199. Weston Lord Treasurer his acquaintance with Sir Thomas Wentworth, 3. Mr. Baron Weston impeached, 343. Articles against him, 356. Lord Wharton a Witness in the Case of the Earl of Strafford, 93. Mr. Whitacre sent to the Tower for breach of Priviledge, 374. White Chairman of the Committee for scandalous Ministers, 233, 238, 246. one of the Committee to expedite the charge against the Arch-Bishop of Canterbury, 265. his Speech against Bishops, 885. Whitlock sent to the Lords by the House of Commons to aver the accusation of the Earl of Strafford, 36. one of the Committee to expedite the Charge against the Arch-Bishop of Canterbury, 265. Sir Thomas Widdrington carries up the Articles against the Bishop of Ely, 329. his Speech at the delivery of them, 395. Sir William Widdrington sent to the Tower by the House of Commons about Candles 272. discharged, 288. Wife and Children relieved against a Husband refusing to Cohabit, 381. Isle of Wight, a motion of the House of Commons that it be put into safer hands, 524, 608, 650. their reasons, 655. Bishop Williams a Witness against the Earl of Strafford, 89. Wi. Williams called to answer breach of Priviledge, bailed, 377. Mr. Williamson in Custody for a Sermon, bail'd, 780. Sir Francis Willoughby Governor of Dublin Castle. 628. Lord Wilmot a Witness for the Earl of Strafford, 60. Commissary Wilmot sent to the Tower on suspicion of Treason, 288. bail'd, 377. voted guilty of Misprision of Treason and expell'd the House, 725. Marquess



# THE TABLE.

*Marquess of Winton, an Information of Arms in his House, 453. has leave to sell them, 600.*

*Bishop of Winton disclaims the Petition and Protestation of the Bishops, 799.*

*Sir Thomas Wiseman a Witness against the Earl of Strafford, 89.*

*Wishert's information that Cardinal Richelieu fomented the Irish-Rebellion, 897.*

*Witnesses examined against the Earl of*

*Strafford, 11, 35, 36, 53.*

*Toby Wood Committed to Newgate for Treasonable words, 817.*

*Lady Wotton a Recusant Peere's, an Order about her, 420, 457.*

*Sir John Wray smells Gun-powder, 192.*

*Bishop Wren Articled against, 329. the Articles, 298, releas'd of Tenth upon the Poll-Bill, 780.*

*Writts of Error, an Order about them, 272.*

*J<sup>ho</sup> Smallhoke*  
**FINIS.**







